OVERVIEW

This document is a mapping of all provisions that relate to gender equality in the constitutions of Asia and Asia Pacific. It is a complete list that includes some provisions that are strong on ensuring gender equality, some that are weak (e.g., equality and non-discrimination guarantees that do not mention gender or sex), and some that may not comply with human rights standards such as those in CEDAW. This document does not endorse any of these particular provisions and U.N. Women will later issue a guidance note on the kinds of gender equality provisions that would be good models to include in constitutions.

The relevant provisions fall into the following categories: equality; non-discrimination; rights of women; public authorities, institutions & services; political participation & freedom of association; citizenship/nationality, right to property/inheritance; reproductive rights; education; employment; equal before the law; marriage & family life; status of religious/customary law; status of international law (including human rights law); limitations and/or derogations; general human rights guarantees; and human rights duties. The countries covered are listed below.

The sources for this compilation are: government websites, inter-governmental organizations (e.g., World Intellectual Property Organization), media websites, and legal research databases (e.g., HeinOnline World Constitutions Illustrated).

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1 Translation assistance provided by the following U.N. Women staff: Amarsanaa Darisuren, Sara De La Pena Espin, Diya Dutta, Vimol Hou, Sayed Mirza Hussain, Suhela Khan, Anwar Qureshi, Bharati Silawal, Gitanjali Singh, Sangeeta Thapa; UNDP staff: Sanda Thant; UNFPA staff: Shamila Daluwatte, Shadiya Ibrahim, Anusha Nanayakakra; and volunteers: Jean Bae, Fred Bane, Saif Farooqui, Mari Haraldsson, Nujarin Jirapongwanich, Trang Nguyen, Fahd Reyaz, Kyung Eun Kimberly Won, Maliheh Zare.
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<td>Employment</td>
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<td>Equal Before the Law</td>
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<td>Marriage &amp; Family Life</td>
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<td>Status of Religious/Customary Law</td>
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<td>Status of International Law (including human rights law)</td>
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<td>Limitations and/or Derogations</td>
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<td>General Human Rights Guarantees</td>
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<td>Human Rights Duties</td>
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<td><strong>Constitution of the Islamic Republic of Afghanistan 2004</strong></td>
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<tr>
<td><strong>Non-Discrimination</strong></td>
<td>د افغانستان د اتباع د مرستي نه راز تبعيد او امتياز د نهمنه ی د افغانستان د اتباع د نهمنه ی د او واجيب لري. (22 ماده)</td>
<td>Any kind of discrimination and distinction between citizens of Afghanistan shall be forbidden. The citizens of Afghanistan, man and woman, have equal rights and duties before the law. (Art. 22)</td>
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<tr>
<td><strong>Public Authorities, Institutions &amp; Services</strong></td>
<td>د ولت د متقاعدونو حقوق تعطیلی او له رو کسانو د سر نهکون، نيولو غیروکار، خپلو یو ننکولو سررې د قانون له حکمو نو سره سم لازمي مرستی کوي. (53 ماده)</td>
<td>The state shall guarantee the rights of retirees, and shall render necessary aid to the elderly, women without caretaker, disabled and handicapped as well as poor orphans, in accordance with provisions of the law. (Art. 53)</td>
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<tr>
<td><strong>Political Participation &amp; Freedom of Association</strong></td>
<td>د انتخاباتو قانون کي داس تدبرئونو نویل شي چي انتخاباتي نهادی وکور کړئ او انتخابته را د مالی عام مخرب مکلفږي. (64 ماده)</td>
<td>The elections law shall adopt measures to attain, through the electorate system, general and fair representation for all the people of the country, and proportionate to the population of every province, on average, at least two females shall be the elected members of the House of People from each province. (Art. 83)</td>
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provisions of the law. (Art. 84)

The state shall devise and implement effective programs to create and foster balanced education for women, improve education of nomads as well as eliminate illiteracy in the country. (Art. 44)

Education

The citizens of Afghanistan shall be recruited by the state on the basis of ability, without any discrimination, according to the provisions of the law. (Art. 50)

Employment

Any kind of discrimination and distinction between citizens of Afghanistan shall be forbidden. The citizens of Afghanistan, man and woman, have equal rights and duties before the law. (Art. 22)

Equal Before the Law

Family is the fundamental pillar of the society, and shall be protected by the state. The state shall adopt necessary measures to attain the physical and spiritual health of the family, especially of the child and mother, upbringing of children, as well as the elimination of related traditions contrary to the principles of the sacred religion of Islam. (Art. 54)

Marriage & Family Life

Family is the fundamental pillar of the society, and shall be protected by the state. The state shall adopt necessary measures to attain the physical and spiritual health of the family, especially of the child and mother, upbringing of children, as well as the elimination of related traditions contrary to the principles of the sacred religion of Islam. (Art. 54)

Status of Religious/Customary Law

The sacred religious law is the religion of the Islamic Republic of Afghanistan. Followers of other faiths shall be free within the bounds of law in the exercise and performance of their religious rituals. (Art. 2)

The state shall devise and implement effective programs to create and foster balanced education for women, improve education of nomads as well as eliminate illiteracy in the country. (Art. 44)

No law shall contravene the tenets and provisions of the holy religion of Islam in Afghanistan. (Art. 3)

To attain moral and material goals, the citizens of Afghanistan shall have the right to form associations in accordance with provisions of the law. The people of Afghanistan shall have the right, in accordance with provisions of the law, to form political parties,
<table>
<thead>
<tr>
<th>Status of International Law (including human rights law)</th>
<th>Provided that: 1. Their manifesto and charter shall not contravene the Holy religion of Islam and principles and values enshrined in this constitution; (Art. 35)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Family is the fundamental pillar of the society, and shall be protected by the state. The state shall adopt necessary measures to attain the physical and spiritual health of the family, especially of the child and mother, upbringing of children, as well as the elimination of related traditions contrary to the principles of the sacred religion of Islam. (Art. 54)</td>
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<td></td>
<td>The courts shall apply the Shia jurisprudence in cases involving personal matters of followers of the Shia sect in accordance with the provisions of the law. In other cases, if no clarification in this Constitution and other laws exist, the courts shall rule according to laws of this sect. (Art. 131)</td>
</tr>
<tr>
<td></td>
<td>The principles of adherence to the tenets of the Holy religion of Islam as well as Islamic Republicanism shall not be amended. Amending fundamental rights of the people shall be permitted only to improve them… (Art. 149)</td>
</tr>
<tr>
<td></td>
<td>…We the people of Afghanistan:…Observing the United Nations Charter as well as the Universal Declaration of Human Rights… (Preamble)</td>
</tr>
<tr>
<td></td>
<td>The state shall observe the United Nations Charter, inter-state agreements, as well as international treaties to which Afghanistan has joined, and the Universal Declaration of Human Rights… (Art. 7)</td>
</tr>
<tr>
<td>The Constitution of the People's Republic of Bangladesh 1972, amended to 2011</td>
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<tr>
<td><strong>Equality</strong></td>
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<tr>
<td>28. (1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth.</td>
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<tr>
<td>28. (2) Women shall have equal rights with men in all spheres of the State and of public life.</td>
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<tr>
<td>28. (3) No citizen shall, on grounds only of religion, race, caste, sex or place of birth be subjected to any disability, liability, restriction or condition with regard to access to any place of public entertainment or resort, or admission to any educational institution.</td>
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<tr>
<td>28. (4) Nothing in this article shall prevent the State from making special provision in favour of women or children or for the advancement of any backward section of citizens. (Art. 28)</td>
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<tr>
<td><strong>Non-Discrimination</strong></td>
<td></td>
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<tr>
<td>28. (1) The State shall endeavour to ensure equality of opportunity to all citizens.</td>
<td></td>
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<tr>
<td>28. (2) The State shall adopt effective measures to remove social and economic inequality between man and man and to ensure the equitable distribution of wealth among citizens, and of opportunities in order to attain a uniform level of economic development throughout the Republic.</td>
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</tr>
<tr>
<td>28. (3) The State shall endeavour to ensure equality of opportunity and participation of women in all spheres of national life. (Fundamentals of State Policy, Art. 19)</td>
<td></td>
</tr>
</tbody>
</table>

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5 Available at: http://bdlaws.minlaw.gov.bd/bangla_pdf_part.php?id=957 (last visited May 5, 2012). Note that the Bengali text copied here includes internal references to amendments.

6 Available at: http://bdlaws.minlaw.gov.bd/print_sections_all.php?id=367 (last visited May 5, 2012). According to Art. 153(2): “There shall be an authentic text of this Constitution in Bengali, and an authentic text of an authorised translation in English, both of which shall be certified as such by the Speaker of the Constituent Assembly. (3) A text certified in accordance which clause (2) shall be conclusive evidence of the provisions of this Constitution: Provided that in the event of conflict between the Bengali and the English text, the Bengali text shall prevail.”

7 According to Art. 8(2): “The principles set out in this Part shall be fundamental to the governance of Bangladesh, shall be applied by the State in the making of laws, shall be a guide to the interpretation of the Constitution and of the other laws of Bangladesh, and shall form the basis of the work of the State and of its citizens, but shall not be judicially enforceable.”
### Political Participation & Freedom of Association

| Political Participation & Freedom of Association | 38. Every citizen shall have the right to form associations or unions, subject to any reasonable restrictions imposed by law in the interests of morality or public order:

| | (a) it is formed for the purposes of destroying the religious, social and communal harmony among the citizens;
| | (b) it is formed for the purposes of creating discrimination among the citizens, on the ground of religion, race, caste, sex, place of birth or language;
| | (c) it is formed for the purposes of organizing terrorist acts or militant activities against the State or the citizens or any other country;
| | (d) its formation and objects are inconsistent with the Constitution. (Art. 38) |

### Legislative Powers

| Legislative Powers | 37. (3) The State Shall endeavour to ensure equality of opportunity and participation of women in all spheres of national life. (Art. 19)

| | (3) There shall be a Parliament for Bangladesh (to be known as the House of the Nation) in which, subject to the provisions of this Constitution, shall be vested the legislative powers of the Republic:

| | Provided that nothing in this clause shall prevent Parliament from delegating to any person or authority, by Act of Parliament, power to make orders, rules, regulations, bye laws or other instruments having legislative effect.

| | (2) Parliament shall consist of three hundred members to be elected in accordance with law from single territorial constituencies by direct election and, for so long as clause (3) is effective, the members provided for in that clause; the members shall be designated as Members of Parliament.

| | (3) Until the dissolution of Parliament occurring next after the expiration of the period of ten years beginning from the date of the first meeting of the Parliament next after the Parliament in existence at the time of the commencement of the Constitution (Fourteenth Amendment) Act, 2004, there shall be reserved fifty seats exclusively for women in all spheres of national life. (Art. 19) |
women members and they will be elected by the aforesaid members in accordance with law on the basis of procedure of proportional representation in the Parliament through single transferable vote:

Provided that nothing in this clause shall be deemed to prevent a woman from being elected to any of the seats provided for in clause (2) of this article… (Art. 65)

There shall be one electoral roll for each constituency for the purposes of elections to Parliament, and no special electoral roll shall be prepared so as to classify electors according to religion, race, caste or sex. (Art. 121)

(1) There shall be equality of opportunity for all citizens in respect of employment or office in the service of the Republic.

(2) No citizen shall, on grounds only of religion, race, caste, sex or place of birth, be ineligible for, or discriminated against in respect of, any employment or office in the service of the Republic.

(3) Nothing in this article shall prevent the State from –

(a) making special provision in favour of any backward section of citizens for the purpose of securing their adequate representation in the service of the Republic;

(b) giving effect to any law which makes provision for reserving appointments relating to any religious or denominational institution to persons of that religion or denomination;

(c) reserving for members of one sex any class of employment or office on the ground that it is considered by its nature to be unsuited to members of the opposite sex. (Art. 29)
**Equal before the Law**

<table>
<thead>
<tr>
<th>Article</th>
<th>Text</th>
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</thead>
<tbody>
<tr>
<td>27</td>
<td>All citizens are equal before law and are entitled to equal protection of law (Art. 27)</td>
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</table>

**Status of Religious/Customary Law**

<table>
<thead>
<tr>
<th>Article</th>
<th>Text</th>
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<tr>
<td>8</td>
<td>The state religion of the Republic is Islam, but the State shall ensure equal status and equal right in the practice of the Hindu, Buddhist, Christian and other religions. (Art. 2A)</td>
</tr>
</tbody>
</table>

12. The principle of secularism shall be realised by the elimination of -

(a) communalism in all its forms;

(b) the granting by the State of political status in favour of any religion;

(c) the abuse of religion for political purposes;

(d) any discrimination against, or persecution of, persons practicing a particular religion. (Fundamentals of State Policy, Art. 12)
<table>
<thead>
<tr>
<th>Status of International Law (including human rights law)</th>
<th>The State shall base its international relations on the principles of respect for national sovereignty and equality, non-interference in the internal affairs of other countries, peaceful settlement of international disputes, and respect for international law and the principles enunciated in the United Nations Charter, and on the basis of those principles shall — (Fundamentals of State Policy, Art. 25)</th>
</tr>
</thead>
<tbody>
<tr>
<td>২৫। [***] জাতীয় সাবর্দ্ধমান ও সম্পাদ্য প্রতি শ্রদ্ধা, অন্যান্য রাষ্ট্রের অভাবনীয় বিষয়ে হস্তক্ষেপ না করা, আন্তর্জাতিক বিষয়ের শাস্তি সমাধান এবং আন্তর্জাতিক আইনের ও আন্তর্জাতিক সমস্যার সনদে বর্ণিত নীতিসমূহের প্রতি শ্রদ্ধা-এই সকল প্রতি হইবে রাষ্ট্রের আন্তর্জাতিক সম্পর্কের ভিত্তি এবং এই সকল প্রতিরীতির রাখা।</td>
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<td>সমুচ্ছন্ন সাধারণ ও সম্পুর্ণ নির্দীপ্ত সম্পর্কের আন্তর্জাতিক সম্পর্কের ভিত্তি এবং সম্পূর্ণ নিরূপণভাবে জনহিতের জন্য চেষ্টা করিবেন;</td>
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<td>প্রত্যেক জাতির ব্যাপারে অন্যান্য পক্ষের মাধ্যমে অস্বীকার, আর্থিক ও রাজনৈতিক ব্যবস্থা নির্ধারণ ও গঠনের অধিকার সম্পন্ন করিবেন; এবং</td>
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<tr>
<td>স্বজাতি সামাজিক ও বাণিজ্যিক শক্তির প্রতি বিরূদ্ধে বিশ্বাসের সম্পূর্ণ নিষিদ্ধ জনগণের ন্যায়সংগত সংগ্রামকে সমর্থন করিবেন।</td>
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<tr>
<td>General Human Rights Guarantees</td>
<td>The Republic shall be a democracy in which fundamental human rights and freedoms and respect for the dignity and worth of the human person shall be guaranteed… (Fundamentals of State Policy, Art. 11)</td>
</tr>
<tr>
<td>১১। প্রজাতন্ত্র হইতে একটি গণতন্ত্র যেখানে মানবাধিকার ও বাণিজ্যিক বিন্যাসন সাবর্দ্ধমান ও শাসন প্রতি প্রশংসার নিষিদ্ধ হইবে ১[ * * * ] ২[ এবং প্রজাতন্ত্রের সকল প্রকৃতির নির্ধিত প্রতিষ্ঠানের মাধ্যমে জনগণের কার্যকর অংশগ্রহণ নিষিদ্ধ হইবে।]</td>
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<tr>
<td>The Republic shall be a democracy in which fundamental human rights and freedoms and respect for the dignity and worth of the human person shall be guaranteed… (Fundamentals of State Policy, Art. 11)</td>
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<td>Constitution of the Kingdom of Bhutan 2008</td>
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<td><strong>English</strong>8</td>
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<tr>
<td><strong>Non-Discrimination</strong></td>
<td>15. All persons are equal before the law and are entitled to equal and effective protection of the law and shall not be discriminated against on the grounds of race, sex, language, religion, politics or other status. (Art. 7)</td>
</tr>
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<td></td>
<td>17. The State shall endeavour to take appropriate measures to eliminate all forms of discrimination and exploitation against women including trafficking, prostitution, abuse, violence, harassment and intimidation at work in both public and private spheres. (Principles of State Policy, Art. 9)</td>
</tr>
<tr>
<td></td>
<td>3. The State shall endeavour to create a civil society free of oppression, discrimination and violence, based on the rule of law, protection of human rights and dignity, and to ensure the fundamental rights and freedoms of the people. (Principles of State Policy, Art. 9)</td>
</tr>
<tr>
<td><strong>Political Participation &amp; Freedom of Association</strong></td>
<td>4. A political party shall be registered by the Election Commission on its satisfying the qualifications and requirements set out hereinafter, that:…(b) Its membership is not based on region, sex, language, religion or social origin;… (Art. 15)</td>
</tr>
<tr>
<td><strong>Education</strong></td>
<td>16. The State shall provide free education to all children of school going age up to tenth standard and ensure that technical and professional education is made generally available and that higher education is equally accessible to all on the basis of merit. (Art. 9)</td>
</tr>
<tr>
<td><strong>Employment</strong></td>
<td>8. A Bhutanese citizen shall have the right to equal access and opportunity to join the Public Service. (Art. 7)</td>
</tr>
<tr>
<td></td>
<td>11. A Bhutanese citizen shall have the right to equal pay for work of equal value. (Art. 7)</td>
</tr>
<tr>
<td><strong>Equal Before the Law</strong></td>
<td>15. All persons are equal before the law and are entitled to equal and effective protection of the law and shall not be discriminated against on the grounds of race, sex, language, religion, politics or other status. (Art. 7)</td>
</tr>
<tr>
<td><strong>Status of International Law (including human rights law)</strong></td>
<td>24. The State shall endeavour to promote goodwill and cooperation with nations, foster respect for international law and treaty obligations, and encourage settlement of international disputes by peaceful means in order to promote international peace and security. (Principles of State Policy, Art. 9)</td>
</tr>
<tr>
<td><strong>Limitations and/or Derogations</strong></td>
<td>22. Notwithstanding the rights conferred by this Constitution, nothing in this Article [Fundamental Rights] shall prevent the State from subjecting reasonable restriction by law, when it concerns: …(d) Incitement to an offence on the grounds of race, sex, language, religion or region… (Art. 7)</td>
</tr>
<tr>
<td><strong>Human Rights Duties</strong></td>
<td>5. A person shall not tolerate or participate in acts of injury, torture or killing of another person, terrorism, abuse of women, children or any other person and shall take necessary steps to prevent such acts. (Art. 8)</td>
</tr>
</tbody>
</table>

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9 According to Art. 9(1): “The State shall endeavour to apply the Principles of State Policy set out in this Article to ensure a good quality of life for the people of Bhutan in a progressive and prosperous country that is committed to peace and amity in the world.”
### Constitution of the Kingdom of Cambodia 1993, as amended to 2004

<table>
<thead>
<tr>
<th>Equality</th>
<th>English(^{11})</th>
</tr>
</thead>
<tbody>
<tr>
<td>...Men and women have equal rights in all fields, especially with respect to those of marriage and family. Marriage shall be done according to the conditions set by the law and based on the principles of mutual consent and monogamy. (Art. 45)</td>
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<td>All forms of discrimination against women shall be abolished. The exploitation of women’s labour shall be prohibited. Men and women have equal rights in all fields, especially with respect to those of marriage and family. Marriage shall be done according to the conditions set by the law and based on the principles of mutual consent and monogamy. (Art. 45)</td>
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<th>Rights of Women</th>
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<tr>
<td>Human trafficking, exploitation of prostitution and obscenities which affect the dignity of women shall be prohibited. The dismissal of woman worker for reason of pregnancy shall be prohibited. Woman shall have the right to take maternity leave with full pay and with guarantee of her seniority in employment and of other social benefits. The State and the society shall provide women, especially those underprivileged living in rural areas, with opportunities to benefit from assistance for a profession, for medical cares, for their children schooling and for decent living conditions. (Art. 46)</td>
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</tr>
</tbody>
</table>

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Khmer citizens of both sexes shall enjoy the right to vote and to stand as candidates for the election. Khmer citizens of both sexes, at least eighteen years old, have the right to vote. Khmer citizens of both sexes, at least twenty-five years old, have the right to stand as candidates for the elections of the members of the National Assembly. Khmer citizens of both sexes, at least forty years old, have the right to stand as candidates for the elections of the members of the Senate… (Art. 34)

Khmer citizens of both sexes have the right to participate actively in the political, economic, social and cultural life of the nation… (Art. 35)

…Khmer citizens of both sexes shall have the right to create trade unions and to participate as their members. The organization and functioning of the trade unions shall be determined by law. (Art. 36)

Khmer citizens of both sexes shall respect the principles of national sovereignty and liberal multi-party democracy… (Art. 50)

…Khmer citizens of both sexes, enjoying the right to vote, aged at least 25 years and having Khmer nationality by birth, have the right to be candidates to the National Assembly… (Art. 76)

…The Senators can be appointed anew or re-eligible. Can be candidates to the Senate the Khmer citizens of both sexes enjoying the right to vote, aged 40 years at least and having Khmer nationality by birth. (Art. 99)
<table>
<thead>
<tr>
<th>Right to property/inheritance</th>
<th>&quot;Khmer citizens of both sexes have the right to participate in the National Congress. (Art. 147)&quot;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Education</td>
<td>&quot;Khmer citizens of both sexes shall respect public property and legally acquired private property. (Art. 50)&quot;</td>
</tr>
<tr>
<td>Employment</td>
<td>&quot;The State shall establish a comprehensive and unified system of education throughout the country, capable of guaranteeing the principles of freedom of education and equal access to schooling, in order to offer each citizen the equal opportunity for the betterment of his/her living conditions. (Art. 66)&quot;</td>
</tr>
<tr>
<td>Employment</td>
<td>&quot;Khmer citizens of both sexes have the right to choose any employment according to their ability and to the needs of the society. Khmer citizens of both sexes shall receive equal pay for equal work. The work of housewife at home shall have equal value as the remunerated work done outside the home. Khmer citizens of both sexes shall have the right to enjoy social security and other social benefits as determined by law. Khmer citizens of both sexes shall have the right to create trade unions and to participate as their members. The organization and functioning of the trade unions shall be determined by law. (Art. 36)&quot;</td>
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</table>
### Equal Before the Law

Khmer citizens are equal before the law, enjoying the same rights, liberties and duties regardless of race, color, sex, language, beliefs, religions, political tendencies, birth origin, social status, wealth or other situations. The exercise of personal rights and liberties by any individual shall not adversely affect the rights and freedom of others. The exercise of such rights and liberties shall be in accordance with the law. (Art. 31)

### Marriage & Family Life

All forms of discrimination against women shall be abolished. The exploitation of women’s labour shall be prohibited. Men and women have equal rights in all fields, especially with respect to those of marriage and family. Marriage shall be done according to the conditions set by the law and based on the principles of mutual consent and monogamy. (Art. 45)

Mother and father shall have the obligation to take care of their children, to bring them up and to educate them in order to become good citizens… (Art. 47)

The State shall establish infirmaries and maternities in rural areas. (Art. 72)

The State shall give full consideration for children and mothers, by encouraging the creation of nurseries and by attending to women without support who have many children under their cares. (Art. 73)

The King shall incarnate the symbol of national unity and continuity. The King shall be the guarantor of the national independence, the sovereignty and the territorial integrity of the Kingdom of Cambodia, and the guarantor for the respect of citizens’ rights and freedom, and of international treaties. (Art. 8)

The Kingdom of Cambodia recognizes and respects human rights as enshrined in the United Nations Charter, the Universal Declaration of Human rights and all the treaties and conventions related to human rights, women’s rights and children’s rights… (Art. 31)
<p>| ឈុតឱ្យការបង្កើតឱ្យ មានទុក្ខភាពមួយនេះទូទៅនិងការធ្វើនូវឈ្នះទូទៅ និងការធានា ក្នុងការបក្រុងប្រជាជននឹងការអនុវត្តភាពនៃទូទៅមួយ និងអនុវត្តភាពនៃការផ្តល់ឈ្នះទូទៅ។ | (ប្រការ 31) |</p>
<table>
<thead>
<tr>
<th>Constitution of the People's Republic of China 1982, as amended to 2004</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Equality</strong></td>
<td><strong>English</strong>13</td>
</tr>
<tr>
<td>...平等、团结、互助的社会主义民族关系已经确立，并将继续加强。...</td>
<td>...Socialist relations of equality, unity and mutual assistance have been established among the nationalities and will continue to be strengthened... (Preamble)</td>
</tr>
<tr>
<td>第四十八条</td>
<td></td>
</tr>
<tr>
<td>中华人民共和国妇女在政治的、经济的、文化的、社会的和家庭的生活等各方面享有同男子平等的权利。国家保护妇女的权利和利益，实行男女同工同酬，培养和选拔妇女干部。</td>
<td>Women in the People's Republic of China enjoy equal rights with men in all spheres of life, in political, economic, cultural, social and family life. The State protects the rights and interests of women, applies the principle of equal pay for equal work to men and women alike and trains and selects cadres from among women. (Art. 48)</td>
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<tr>
<td><strong>Political Participation &amp; Freedom of Association</strong></td>
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<tr>
<td>第三十四条</td>
<td></td>
</tr>
<tr>
<td>中华人民共和国年满十八周岁的公民，不分民族、种族、性别、职业、家庭出身、宗教信仰、教育程度、财产状况、居住期限，都有选举权和被选举权；但是依照法律被剥夺政治权利的人除外。</td>
<td>All citizens of the People’s Republic of China who have reached the age of 18 have the right to vote and stand for election, regardless of ethnic status, race, sex, occupation, family background, religious belief, education, property status or length of residence, except persons deprived of political rights according to law. (Art. 34)</td>
</tr>
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<td>中华人民共和国妇女在政治的、经济的、文化的、社会的和家庭的生活等各方面享有同男子平等的权利。国家保护妇女的权利和利益，实行男女同工同酬，培养和选拔妇女干部。</td>
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<tr>
<td>第三十三条</td>
<td></td>
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<tr>
<td>中华人民共和国公民在法律面前一律平等。</td>
<td>... All citizens of the People’s Republic of China are equal before the law... (Art. 33)</td>
</tr>
</tbody>
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</tr>
<tr>
<td></td>
<td>第四十九条 婚姻、家庭、母亲和儿童受国家的保护。夫妻双方有实行计划生育的义务。父母有抚养教育未成年子女的义务，成年子女有赡养扶助父母的义务。禁止破坏婚姻自由，禁止虐待老人、妇女和儿童。</td>
</tr>
<tr>
<td></td>
<td>Marriage, the family and mother and child are protected by the State. Both husband and wife have the duty to practise family planning. Parents have the duty to rear and educate their children who are minors, and children who have come of age have the duty to support and assist their parents. Violation of the freedom of marriage is prohibited. Maltreatment of old people, women and children is prohibited. (Art. 49)</td>
</tr>
<tr>
<td>General Human Rights Guarantees</td>
<td>第三十三条 …国家尊重和保障人权。任何公民享有宪法和法律规定的权利，同时必须履行宪法和法律规定的义务。</td>
</tr>
<tr>
<td></td>
<td>… The State respects and preserves human rights. Every citizen is entitled to the rights and at the same time must perform the duties prescribed by the Constitution and other laws. (Art. 33)</td>
</tr>
<tr>
<td><strong>Constitution of India 1949/50 (consolidated as of December 1, 2011)</strong></td>
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<tr>
<td><strong>English</strong>&lt;sup&gt;14&lt;/sup&gt;</td>
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<tr>
<td><strong>Equality</strong></td>
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</tr>
<tr>
<td>WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC and to secure to all its citizens:…EQUALITY of status and of opportunity… (Preamble)</td>
<td></td>
</tr>
<tr>
<td><strong>Non-Discrimination</strong></td>
<td></td>
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<tr>
<td>Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.—(1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them. (2) No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to—(a) access to shops, public restaurants, hotels and places of public entertainment; or (b) the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public. (3) Nothing in this article shall prevent the State from making any special provision for women and children… (Art. 15)</td>
<td></td>
</tr>
<tr>
<td><strong>Public Authorities, Institutions &amp; Services</strong></td>
<td></td>
</tr>
<tr>
<td>State to secure a social order for the promotion of welfare of the people.—(1) The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life. (2) The State shall, in particular, strive to minimise the inequalities in income, and endeavour to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations. (Directive Principles of State Policy,&lt;sup&gt;15&lt;/sup&gt; Art. 38)</td>
<td></td>
</tr>
<tr>
<td><strong>Political Participation &amp; Freedom of Association</strong></td>
<td></td>
</tr>
<tr>
<td>Reservation of seats [for Panchayats].—(1) Seats shall be reserved for—(a) the Scheduled Castes; and (b) the Scheduled Tribes, in every Panchayat and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Panchayat as the population of the Scheduled Castes in that Panchayat area or of the Scheduled Tribes in that Panchayat area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Panchayat. (2) Not less than one-third of the total number of seats reserved under clause (1) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes. (3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Panchayat. (4) The offices of the Chairpersons in the Panchayats at the village or any other level shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide: Provided that the number of offices of Chairpersons reserved for the Scheduled Castes and the Scheduled Tribes in the Panchayats at each level in any State shall bear, as nearly as may be, the same proportion to the total number of such offices in the Panchayats at each level as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State bears to the total population of the State: Provided further that not less than one-third of the total number of offices of Chairpersons in the Panchayats at each level shall be reserved for women: Provided also that the number of offices reserved under this clause shall be allotted by rotation to different Panchayats at each level. (5) The reservation of seats under clauses (1) and (2) and the reservation of offices of Chairpersons (other than the reservation for women) under clause (4) shall cease to have effect on the expiration of the period specified in article 334. (6) Nothing in this Part shall prevent the Legislature of a State from making any provision for reservation of seats in any Panchayat or offices of Chairpersons in the Panchayats at any level in favour of backward class of citizens. (Art. 243D)</td>
<td></td>
</tr>
</tbody>
</table>

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<sup>15</sup> According to Art. 37: “…provisions contained in this Part shall not be enforceable by any court, but the principles therein laid down are nevertheless fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws.”
<table>
<thead>
<tr>
<th>Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes in every Municipality and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Municipality as the population of the Scheduled Castes in the Municipal area or of the Scheduled Tribes in the Municipal area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Municipality. (2) Not less than one-third of the total number of seats reserved under clause (1) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes. (3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Municipality shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Municipality. 4) The offices of Chairpersons in the Municipalities shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide. (5) The reservation of seats under clauses (1) and (2) and the reservation of offices of Chairpersons (other than the reservation for women) under clause (4) shall cease to have effect on the expiration of the period specified in article 334. (6) Nothing in this Part shall prevent the Legislature of a State from making any provision for reservation of seats in any Municipality or offices of Chairpersons in the Municipalities in favour of backward class of citizens. (Art. 243T)</th>
</tr>
</thead>
<tbody>
<tr>
<td>No person to be ineligible for inclusion in, or to claim to be included in a special, electoral roll on grounds of religion, race, caste or sex.— There shall be one general electoral roll for every territorial constituency for election to either House of Parliament or to the House or either House of the Legislature of a State and no person shall be ineligible for inclusion in any such roll or claim to be included in any special electoral roll for any such constituency on grounds only of religion, race, caste, sex or any of them. (Art. 325)</td>
</tr>
<tr>
<td>Citizenship &amp; Nationality</td>
</tr>
<tr>
<td>Rights of citizenship of certain persons of Indian origin residing outside India.—Notwithstanding anything in article 5, any person who or either of whose parents or any of whose grand-parents was born in India as defined in the Government of India Act, 1935 (as originally enacted), and who is ordinarily residing in any country outside India as so defined shall be deemed to be a citizen of India if he has been registered as a citizen of India by the diplomatic or consular representative of India in the country where he is for the time being residing on an application made by him therefor to such diplomatic or consular representative, whether before or after the commencement of this Constitution, in the form and manner prescribed by the Government of the Dominion of India or the Government of India. (Art. 8)</td>
</tr>
<tr>
<td>Employment</td>
</tr>
<tr>
<td>Certain principles of policy to be followed by the State.—The State shall, in particular, direct its policy towards securing— (a) that the citizens, men and women equally, have the right to an adequate means of livelihood;… (d) that there is equal pay for equal work for both men and women;</td>
</tr>
<tr>
<td>Equal Before the Law</td>
</tr>
<tr>
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</tbody>
</table>
| Status of Religious/Customary Law | Freedom to manage religious affairs.—Subject to public order, morality and health, every religious denomination or any section thereof shall have the right—
(a) to establish and maintain institutions for religious and charitable purposes;  
(b) to manage its own affairs in matters of religion;  
(c) to own and acquire movable and immovable property; and  
(d) to administer such property in accordance with law. (Art. 26) |
| Status of International Law (including human rights law) | Promotion of international peace and security.—The State shall endeavour to—
(a) promote international peace and security;  
(b) maintain just and honourable relations between nations;  
(c) foster respect for international law and treaty obligations in the dealings of organised peoples with one another; and  
(d) encourage settlement of international disputes by arbitration. (Directive Principles of State Policy, Art. 51) |
<p>| Human Rights Duties | Fundamental duties.—It shall be the duty of every citizen of India—…(e) to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women;… (Fundamental Duties, Art. 51A) |</p>
<table>
<thead>
<tr>
<th>The 1945 Constitution of the Republic of Indonesia, as amended to 2002</th>
<th>Indonesian</th>
<th>English</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Non-Discrimination</strong></td>
<td>(2) Setiap orang berhak bebas dari perlakuan yang bersifat diskriminatif atas dasar apa pun dan berhak mendapatkan perlindungan terhadap perlakuan yang bersifat diskriminatif. **) (Pasal 28I)</td>
<td>(2) Every person shall have the right to be free from discriminative treatment based upon any grounds whatsoever and shall have the right to protection from such discriminative treatment. (Art. 28I)</td>
</tr>
<tr>
<td><strong>Political Participation &amp; Freedom of Association</strong></td>
<td>(3) Setiap warga negara berhak memperoleh kesempatan yang sama dalam pemerintahan. **) (Pasal 28D)</td>
<td>(3) Every citizen shall have the right to obtain equal opportunities in government. (Art. 28D)</td>
</tr>
<tr>
<td><strong>Employment</strong></td>
<td>(3) Setiap warga negara berhak memperoleh kesempatan yang sama dalam pemerintahan. **) (Pasal 28D)</td>
<td>(3) Every citizen shall have the right to obtain equal opportunities in government. (Art. 28D)</td>
</tr>
<tr>
<td><strong>Equal Before the Law</strong></td>
<td>(1) Segala warga negara bersamaan kedudukannya di dalam hukum dan pemerintahan dan wajib menjunjung hukum dan pemerintahan itu dengan tidak ada kecualiannya. (Pasal 27)</td>
<td>(1) All citizens shall be equal before the law and the government and shall be required to respect the law and the government, with no exceptions. (Art. 27)</td>
</tr>
<tr>
<td><strong>Marriage &amp; Family Life</strong></td>
<td>(1) Setiap orang berhak membentuk keluarga dan melanjutkan keturunan melalui perkawinan yang sah. **) (Pasal 28B)</td>
<td>(1) Every person shall have the right to establish a family and to procreate based upon lawful marriage… (Art. 28B)</td>
</tr>
<tr>
<td><strong>Status of Religious/Customary Law</strong></td>
<td>(2) Negara mengakui dan menghormati kesatuan-kesatuan masyarakat hukum adat beserta hakhak tradisionalnya sepanjang masih hidup dan sesuai dengan perkembangan masyarakat dan prinsip Negara Kesatuan Republik Indonesia, yang diatur dalam undang-undang. **) (Pasal 28G)</td>
<td>(2) The State recognises and respects traditional communities along with their traditional customary rights as long as these remain in existence and are in accordance with the societal development and the principles of the Unitary State of the Republic of Indonesia, and shall be regulated by law. (Art. 28G)</td>
</tr>
<tr>
<td><strong>General Human Rights Guarantees</strong></td>
<td>(4) Perlindungan, pemajuan, penegakan, dan pemenuhan hak asasi manusia adalah tanggung jawab negara, terutama pemerintah. **)</td>
<td>(4) The protection, advancement, upholding and fulfilment of human rights are the responsibility of the state, especially the government. (5) For the purpose of upholding and protecting human rights in accordance with the principle of a democratic and law-</td>
</tr>
</tbody>
</table>
negara hokum yang demokratis, maka pelaksanaan hak asasi manusia dijamin, diatur, dan dituangkan dalam peraturan perundang-undangan. **) (Pasal 28I)

<table>
<thead>
<tr>
<th><strong>Human Rights Duties</strong></th>
<th>(1) Setiap orang wajib menghormati hak asasi manusia orang lain dalam tertib kehidupan bermasyarakat, berbangsa, dan bernegara. **)</th>
<th>(1) Every person shall have the duty to respect the human rights of others in the orderly life of the community, nation and state.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(2) Dalam menjalankan hak dan kebebasannya, setiap orang wajib tunduk kepada pembatasan yang ditetapkan dengan undang-undang dengan maksud semata-mata untuk menjamin pengakuan serta penghormatan atas hak dan kebebasan orang lain dan untuk memenuhi tuntutan yang adil sesuai dengan pertimbangan moral, nilai-nilai agama, keamanan, dan ketertiban umum dalam suatu masyarakat demokratis. **) (Pasal 28J)</td>
<td>(2) In exercising his/her rights and freedoms, every person shall have the duty to accept the restrictions established by law for the sole purposes of guaranteeing the recognition and respect of the rights and freedoms of others and of satisfying just demands based upon considerations of morality, religious values, security and public order in a democratic society. (Art. 28J)</td>
</tr>
</tbody>
</table>
## Constitution of the Islamic Republic of Iran 1979, as amended to 1989

<table>
<thead>
<tr>
<th>Persian18</th>
<th>English19</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Equality</strong></td>
<td>All people of Iran, whatever the ethnic group or tribe to which they belong, enjoy equal rights; and color, race, language, and the like, do not bestow any privilege. (Art. 19)</td>
</tr>
<tr>
<td>اصل نوزدهم: مردم ایران از هر قوم و قبیله که باشند از حقوق مساوی برخوردارند و رنگ، زیان و مانند اینها سبب امتیاز نخواهد بود.</td>
<td>All citizens of the country, both men and women, equally enjoy the protection of the law and enjoy all human, political, economic, social, and cultural rights, in conformity with Islamic criteria. (Art. 20)</td>
</tr>
<tr>
<td><strong>Non-Discrimination</strong></td>
<td>In order to attain the objectives specified in Article 2, the government of the Islamic Republic of Iran has the duty of directing all its resources to the following goals:… 9. the abolition of all forms of undesirable discrimination and the provision of equitable opportunities for all, in both the material and intellectual spheres… (Art. 3)</td>
</tr>
<tr>
<td>اصل بیستم: همه افراد ملت این از زن و مرد یکسان در حمايت قانون فرار دارند و از همه حقوق انسانی، اجتماعی، اقتصادی، افکاری و فرهنگی با رعایت مواردی اسلامی برخوردارند.</td>
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</tbody>
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### Rights of Women

In the creation of Islamic foundations, all the human forces which had been in the service of foreign exploitation powers will recover their true identity and human rights. In doing so, women who have endured more tyranny up till now under the idolatrous order, will naturally vindicate their rights further.

The family unit is the basis of society, and the true focus for the growth and elevation of mankind. Harmony of beliefs and aspirations in setting up the family is the true foundation of the movement towards the development and growth of mankind. This has been a fundamental principle. Providing the opportunities for these objectives to be reached is one of the duties of the Islamic Government.

Women were drawn away from the family unit and (put into) the condition of “being a mere thing”, or “being a mere tool for work” in the service of consumerism and exploitation. Re-assumption of the task of bringing up religiously-minded men and women, ready to work and fight together in life’s fields of activity, is a serious and precious duty of motherhood. And so acceptance of this responsibility as more serious and - from the Islamic point of view - a loftier ground for appreciation status will be forthcoming.
The government must ensure the rights of women in all respects, in conformity with Islamic criteria, and accomplish the following goals:

1. Create a favorable environment for the growth of woman’s personality and the restoration of her rights, both the material and intellectual;
2. The protection of mothers, particularly during pregnancy and childbirth, and the protection of children without guardians;
3. Establishing competent courts to protect and preserve the family;
4. The provision of special insurance for widows, and aged women and women without support;
5. The awarding of guardianship of children to worthy mothers, in order to protect the interests of the children, in the absence of a legal guardian.

(Art. 21)
<p>| Employment | …The Government is bound, with due regard for the needs of society for a variety of employment for all men, to create the possibility of employment, and equal opportunities for obtaining it. (Art. 28) |
| --- |
| Equal Before the Law | In order to attain the objectives specified in Article 2, the government of the Islamic Republic of Iran has the duty of directing all its resources to the following goals:… 14. securing the multifarious rights of all citizens, both women and men, and providing legal protection for all, as well as the equality of all before the law…(Art. 3) |
| Marriage &amp; Family Life | All citizens of the country, both men and women, equally enjoy the protection of the law and enjoy all human, political, economic, social, and cultural rights, in conformity with Islamic criteria. (Art. 20) |</p>
<table>
<thead>
<tr>
<th>Status of Religious/Customary Law</th>
<th>The form of government of Iran is that of an Islamic Republic, endorsed by the people of Iran on the basis of their long-standing belief in the sovereignty of truth and Qur'anic justice…(Art.1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>اصل اول: حکومت ایران جمهوری اسلامی است که ملت ایران، بر اساس اعتراف ندیریته اش به حکومت حق و عدل قوان،...</td>
<td>All civil, penal financial, economic, administrative, cultural, military, political, and other laws and regulations must be based on Islamic criteria…(Art. 4)</td>
</tr>
<tr>
<td>اصل چهارم: کلیه قوانین و مقررات مدنی، جزایی، مالی، اقتصادی، اداری، فرهنگی، نظامی، سیاسی و غیر اینها باید بر پایه موانع سیاسی باند…</td>
<td>Since the family is the fundamental unit of Islamic society, all laws, regulations, and pertinent programs must tend to facilitate the formation of a family, and to safeguard its sanctity and the stability of family relations on the basis of the law and the ethics of Islam. (Art. 10)</td>
</tr>
<tr>
<td>اصل دوازدهم: دین رسمی ایران، اسلام و مذهب جعفری اثنا عشری است و این اصل از ابتدای غیرقابل تغییر است و مناهیب دیگر اسلامی معاصر حنفی، شافعی، المالکی، حنبیلی، و زیدی دارای اختلاف کامل می‌باشند و پیروان این مذاهب در انجام مراسم مذهبی، طبق فقه‌شمار از آزادند و در تعیین و تربیت دینی و احوال شخصی (ارزیابی، طلاق، ارث و وصیت) و دعاوى مربوط به آن در دادگاه‌های رسیدگی دارند…</td>
<td>The official religion of Iran is Islam and the Twelver Ja'fari school [in usual al-Din and fiqh], and this principle will remain eternally immutable. Other Islamic schools, including the Hanafi, Shafi'i, Maliki, Hanbali, and Zaydi, are to be accorded full respect, and their followers are free to act in accordance with their own jurisprudence in performing their religious rites. These schools enjoy official status in matters pertaining to religious education, affairs of personal status (marriage, divorce, inheritance, and wills) and related litigation in courts of law… (Art. 12)</td>
</tr>
<tr>
<td>اصل سیزدهم: ایرانیان زرتشتی، کلیسی و مسیحی تنها اقلیت‌های دینی‌شناخته می‌شوند که در حدود قانون در انجام مراسم دینی خودارادند و در احوال شخصی و تعیینات دینی برطیق این خود عمل می‌کنند.</td>
<td>Zoroastrian, Jewish, and Christian Iranians are the only recognized religious minorities, who, within the limits of the law, are free to perform their religious rites and ceremonies, and to act according to their own canon in matters of personal affairs and religious education. (Art. 13)</td>
</tr>
<tr>
<td>Arabic Text</td>
<td>English Text</td>
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<tr>
<td>اصل بیستم: همه افراد ملت اعم از زن و مرد یکسان در حمایت قانون فار دارند و از همه حقوق انسانی، سیاسی، اقتصادی، اجتماعی و فرهنگی با رعایت موازین اسلام برخوردارند.</td>
<td>All citizens of the country, both men and women, equally enjoy the protection of the law and enjoy all human, political, economic, social, and cultural rights, in conformity with Islamic criteria. (Art. 20)</td>
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<td>Article</td>
<td>Japanese</td>
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<td>14</td>
<td>全ての国民は、法の下に平等であって、人種、信条、性別、社会的身分又は門地により、政治的、経済的又は社会的関係において、差別されない。…</td>
</tr>
<tr>
<td>44</td>
<td>議員及び選挙人の資格 両議院の議員及びその選挙人の資格は、法律でこれを定める。但し、人種、信条、性別、社会的身分、門地、教育、財産又は収入によって差別してはならない。</td>
</tr>
<tr>
<td>24</td>
<td>婚姻は、両性の合意のみに基いて成立し、夫婦が同等の権利を有することを基本として、相互の協力により、維持されなければならない。 ２配偶者の選択、財産権、相続、住居の選定、離婚並びに婚姻及び家族に関するその他の事項に関しては、法律は、個人の尊厳と両性の本質的平等に立脚して、制定されなければならない。</td>
</tr>
<tr>
<td>26</td>
<td>全ての国民は、法律の定めるところにより、その能力に応じて、ひとしく教育を受ける権利を有する。 ２すべて国民は、法律の定めるところにより、その保護する子女に普通教育を受けさせる義務を負ふ。義務教育は、これを無償とする。</td>
</tr>
</tbody>
</table>

20 Available at: http://www.ndl.go.jp/constitution/etc/j01.html (last visited May 5, 2012).
| Status of International Law (including human rights law) | 33
<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>第98条この憲法は、国の最高法規であって、その条規に反する法律、命令、詔勅及び国務に関するその他の行為の全部又は一部は、その効力の有しない。2日本国が締結した条約及び確立された国際法規は、これを誠実に遵守することを必要とする。</td>
<td>(2) The treaties concluded by Japan and established laws of nations shall be faithfully observed. (Art. 98)</td>
</tr>
<tr>
<td>General Human Rights Guarantees</td>
<td>11</td>
</tr>
<tr>
<td>第11条国民は、すべての基本的人権の享有を妨げられない。この憲法が国民に保障する基本的人権は、侵すことのできない永久の権利として、現在及び将来の国民に与へられる。</td>
<td>The people shall not be prevented from enjoying any of the fundamental human rights. These fundamental human rights guaranteed to the people by this Constitution shall be conferred upon the people of this and future generations as eternal and inviolate rights. (Art. 11)</td>
</tr>
<tr>
<td>Human Rights Duties</td>
<td>12</td>
</tr>
<tr>
<td>第12条この憲法が国民に保障する自由及び権利は、国民の不斷の努力によって、これを保持しなければならない。又、国民は、これを濫用してはならないのであつて、常に公共の福祉のためにこれを利用する責任を負ふ。</td>
<td>The freedoms and rights guaranteed to the people by this Constitution shall be maintained by the constant endeavor of the people, who shall refrain from any abuse of these freedoms and rights and shall always be responsible for utilizing them for the public welfare. (Art. 12)</td>
</tr>
<tr>
<td>Korean</td>
<td>English</td>
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<tr>
<td><strong>Equality</strong>&lt;br&gt;제65조: 공민은 국가사회생활의 모든 분야에서 누구나 다같은 권리를 가진다.</td>
<td>Citizens enjoy equal rights in all spheres of State and public activity. (Art. 65)</td>
</tr>
<tr>
<td><strong>Rights of Women</strong>&lt;br&gt;제77조: 너지는 남자와 똑같은 사회적 지위와 권리를 가진다. 국가는 산전산후휴가의 보장, 여리 어린이를 가진 어머니를 위한 로동시간의 단축, 산전, 태아소와 유태원망의 확장, 그밖의 시책을 통하여 어머니와 어린이를 특별히 보호한다. 국가는 너성들이 사회에 진출할 온갖 조건을 지어준다.</td>
<td>Women are accorded equal social status and rights with men. The State shall afford special protection to mothers and children by providing maternity leave, reduced working hours for mothers with several children, a wide network of maternity hospitals, creches and kindergartens, and other measures. The State shall provide all conditions for women to play their full roles in society. (Art. 77)</td>
</tr>
<tr>
<td><strong>Public Authorities, Institutions &amp; Services</strong>&lt;br&gt;제65조: 공민은 국가사회생활의 모든 분야에서 누구나 다같은 권리를 가진다.</td>
<td>Citizens enjoy equal rights in all spheres of State and public activity. (Art. 65)</td>
</tr>
<tr>
<td><strong>Political Participation &amp; Freedom of Association</strong>&lt;br&gt;제66조: 17살이상의 모든 공민은 성별, 민족별, 직업, 거주기간, 재산과 지식정도, 당별, 정견, 신앙에 관계없이 선거할 권리와 선거받을 권리를 가진다. 군대에 복무하는 공민도 선거할 권리와 선거받을 권리를 가진다. 재판소의 판결에 의하여 선거할 권리를 빼앗긴 자, 정신병자는 선거할 권리와 선거받을 권리를 가지지 못한다.</td>
<td>All citizens who have reached the age of 17 have the right to elect and to be elected, irrespective of sex, race, occupation, length of residence, property status, education, party affiliation, political views or religious belief… (Art. 66)</td>
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</tbody>
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<table>
<thead>
<tr>
<th><strong>Marriage &amp; Family Life</strong></th>
<th>제77조: 네자는 남자와 별같은 사회적지위와 권리를 가진다. 국가는 산전산후휴가의 보장, 여러 어린이를 가진 어머니를 위한 로동시간의 단축, 산전, 태아소와 유태원방의 확장, 그밖의 시책을 통하여 어머니와 어린이를 특별히 보호한다. 국가는 여성들이 사회에 진출할 온갖 조건을 지어준다.</th>
<th>Women are accorded equal social status and rights with men. The State shall afford special protection to mothers and children by providing maternity leave, reduced working hours for mothers with several children, a wide network of maternity hospitals, creches and kindergartens, and other measures. The State shall provide all conditions for women to play their full roles in society. (Art. 77)</th>
</tr>
</thead>
<tbody>
<tr>
<td>제78조: 결혼과 가정은 국가의 보호를 받는다. 국가는 사회의 기층생활단위인 가정을 공고히 하는데 깊은 관심을 돌린다.</td>
<td>Marriage and the family shall be protected by the State. The State pays great attention to consolidating the family, the basic unit of social life. (Art. 78)</td>
<td></td>
</tr>
<tr>
<td><strong>General Human Rights Guarantees</strong></td>
<td>제8조: 조선민주주의인민공화국의 사회제도는 근로인민대중이 모든것의 주인으로 되고있으며 사회의 모든것이 근로인민대중을 위하여 복무하는 사람중심의 사회제도이다. 국가는 착취와 압박에서 해방되어 국가와 사회의 주인으로 된 로동자, 농민, 군인, 근로인테리를 비롯한 근로인민의 리익을 옹호하며 인권을 존중하고 보호한다.</td>
<td>The social system of the Democratic People's Republic of Korea is a people-centred system under which the working people are the masters of everything and everything in society serves them. The State shall defend the interests of the workers, peasants, soldiers, working intellectuals and all other working people who have been freed from exploitation and oppression and become the masters of the State and society, and respect and protect human rights. (Art. 8)</td>
</tr>
<tr>
<td>제64조: 국가는 모든 공민에게 참다운 민주주의적권리와 자유 행복한 물질문화생활을 실질적으로 보장한다.</td>
<td>The State shall effectively guarantee the genuine democratic rights and freedoms as well as the material and cultural well-being of all its citizens. In the Democratic People’s Republic of Korea the rights and freedoms of citizens shall be amplified with the consolidation and development of the socialist system. (Art. 64)</td>
<td></td>
</tr>
<tr>
<td>Equality</td>
<td>자율과 조화를 바탕으로 자유민주적 기본질서를 더욱 확고히 하여 정치·경제·사회·문화의 모든 영역에 있어서 각인의 기회를 균등히 하고, 능력을 최고도로 발휘하게 하며 (전문)</td>
<td>…To afford equal opportunities to every person and provide for the fullest development of individual capabilities in all fields, including political, economic, social and cultural life by further strengthening the basic free and democratic order conducive to private initiative and public harmony… (Preamble)</td>
</tr>
<tr>
<td>-----------------</td>
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<td>----------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Non-Discrimination</td>
<td>(1) 모든 국민은 법 앞에 평등하다. 누구든지 성별·종교 또는 사회적 신분에 의하여 정치적·경제적·사회적·문화적 생활의 모든 영역에 있어서 차별을 받지 아니한다. (제11조)</td>
<td>(1) All citizens shall be equal before the law, and there shall be no discrimination in political, economic, social or cultural life on account of sex, religion or social status. (Art. 11)</td>
</tr>
<tr>
<td>Public Authorities, Institutions &amp; Services</td>
<td>(3) 국가는 여자의 복지와 권익의 향상을 위하여 노력하여야 한다. (제34조)</td>
<td>(3) The State shall endeavor to promote the welfare and rights of women. (Art. 34)</td>
</tr>
<tr>
<td>Political Participation &amp; Freedom of Association</td>
<td>(1) 선거운동은 각급 선거관리위원회의 관리하에 법률이 정하는 범위안에서 하되, 균등한 기회가 보장되어야 한다. (제116조)</td>
<td>(1) Election campaigns shall be conducted under the management of the election commissions at each level within the limit set by Act. Equal opportunity shall be guaranteed. (Art. 116)</td>
</tr>
<tr>
<td>Education</td>
<td>제31조 ①모든 국민은 능력에 따라 균등하게 교육을 받을 권리를 가진다.</td>
<td>(1) All citizens shall have an equal right to an education corresponding to their abilities. (Art. 31)</td>
</tr>
<tr>
<td>Employment</td>
<td>(4) 여자의 근로는 특별한 보호를 받으며, 고용·임금 및 근로조건에 있어서 부당한 차별을 받지 아니한다. (제32조)</td>
<td>(4) Special protection shall be accorded to working women, and they shall not be subjected to unjust discrimination in terms of employment, wages and working conditions. (Art. 32)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Equal Before the Law</th>
<th>(1) 모든 국민은 법 앞에 평등하다. 누구든지 성별·종교 또는 사회적 신분에 의하여 정치적·경제적·사회적·문화적 생활의 모든 영역에 있어서 차별을 받지 아니한다. (제11조)</th>
<th>(1) All citizens shall be equal before the law, and there shall be no discrimination in political, economic, social or cultural life on account of sex, religion or social status. (Art. 11)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marriage &amp; Family Life</td>
<td>(1) 혼인과 가족생활은 개인의 존엄과 양성의 평등을 기초로 성립되고 유지되어야 하며, 국가는 이를 보장한다. (2) 국가는 모성의 보호를 위하여 노력하여야 한다. (제36조)</td>
<td>(1) Marriage and family life shall be entered into and sustained on the basis of individual dignity and equality of the sexes, and the State shall do everything in its power to achieve that goal. (2) The State shall endeavor to protect motherhood… (Art. 36)</td>
</tr>
<tr>
<td>Status of Religious/Customeary Law</td>
<td>(1) 모든 국민은 종교의 자유를 가진다. (2) 국교는 인정되지 아니하며, 종교와 정치는 분리된다. (제 20조)</td>
<td>(1) All citizens shall have freedom of religion. (2) No state religion shall be recognized, and church and State shall be separated. (Art. 20)</td>
</tr>
<tr>
<td>Status of International Law (including human rights law)</td>
<td>(1) 헌법에 의하여 체결·공포된 조약과 일반적으로 승인된 국제법규는 국내법과 같은 효력을 가진다. (제6조)</td>
<td>(1) Treaties duly concluded and promulgated under the Constitution and the generally recognized rules of international law shall have the same effect as the domestic laws of the Republic of Korea (Art. 6)</td>
</tr>
<tr>
<td>General Human Rights Guarantees</td>
<td>모든 국민은 인간으로서의 존엄과 가치를 가지며, 행복을 추구할 권리를 가진다. 국가는 개인이 가지는 불가침의 기본적 인권을 확인하고 이를 보장할 의무를 진다. (제10조)</td>
<td>All citizens shall be assured of human dignity and worth and have the right to pursue happiness. It shall be the duty of the State to confirm and guarantee the fundamental and inviolable human rights of individuals (Art. 10)</td>
</tr>
<tr>
<td></td>
<td>(1) 국민의 자유와 권리는 헌법에 열거되지 아니한 이유로 경시되지 아니한다. (제37조)</td>
<td>(1) Freedoms and rights of citizens shall not be neglected on the grounds that they are not enumerated in the Constitution. (Art. 37)</td>
</tr>
<tr>
<td>Amended Constitution of the Lao People’s Democratic Republic 2003</td>
<td></td>
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<tr>
<td>---------------------------------------------------------------</td>
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</tr>
<tr>
<td><strong>Equality</strong></td>
<td><strong>English</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Rights of Women</strong></td>
<td><strong>The State, society and families attend to implementing development policies and supporting the progress of women and to protecting the legitimate rights and benefits of women and children. (Art. 29)</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Public Authorities, Institutions &amp; Services</strong></td>
<td><strong>…The State and society attend to building and improving disease prevention systems and providing health care to all people, creating conditions to ensure that all people have access to health care, especially women and children, poor people and people in remote areas, to ensure the people’s good health… (Art. 25)</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Political Participation &amp; Freedom of Association</strong></td>
<td><strong>Citizens of both genders enjoy equal rights in the political, economic, cultural and social fields and in family affairs. (Art. 37)</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Education</strong></td>
<td><strong>…The State and society attend to developing high quality national education, to create opportunities and [favourable] conditions in education for all people throughout the country, especially people in remote areas, ethnic groups, women and disadvantaged children… (Art. 22)</strong></td>
<td></td>
</tr>
</tbody>
</table>

27 Available at: http://www.mof.gov.la/sites/default/files/news/Constitution%20(2003)%20Eng.pdf (last visited May 5, 2012). “Translation Endorsed by the Law Committee of the National Assembly of the Lao PDR”). Note also that the original 1991 constitution was published in both Lao and English, although according to Art. 89: “The Lao language and Lao script are the language and script officially used.” The French version is also available at: http://mjp.univ-perp.fr/constit/la2003.htm (last visited May 5, 2012). Note that as per footnote 11: “The reader should note that the Lao language does not distinguish between genders in pronouns. In this translation, a reference to a gender is a reference to all genders, unless the context requires otherwise. The translators' decision to use the male gender was made in the interests of simplicity and consistency.”
<table>
<thead>
<tr>
<th><strong>Equal Before the Law</strong></th>
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</thead>
<tbody>
<tr>
<td><em>Lao citizens are all equal before the law irrespective of their gender, social status, education, beliefs and ethnic group. (Art. 35)</em></td>
<td></td>
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<tr>
<td><strong>Marriage &amp; Family Life</strong></td>
<td></td>
<td></td>
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<tr>
<td><em>Citizens of both genders enjoy equal rights in the political, economic, cultural and social fields and in family affairs. (Art. 37)</em></td>
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</tr>
<tr>
<td><strong>General Human Rights Guarantees</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>The State protects the freedom and democratic rights of the people which cannot be violated by anyone. All state organisations and government officials must disseminate and create awareness of all policies, regulations and laws among the people and, together with the people, organise their implementation in order to guarantee the legitimate rights and interests of the people. All acts of bureaucratism and harassment that can be detrimental to the people’s honour, physical well-being, lives, consciences and property are prohibited. (Art. 6)</em></td>
<td></td>
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</tr>
<tr>
<td>Malay</td>
<td>English</td>
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<tr>
<td><strong>Non-Discrimination</strong>&lt;br&gt;&lt;br&gt;28.  (2) Kecuali sebagaimana yang dibenarkan dengan nyata oleh Perlembagaan ini tidak boleh ada diskriminasi terhadap warganegara semata-mata atas alasan agama, ras, keturunan, tempat lahir atau jantina dalam mana-mana undang-undang atau dalam pelantikan kepada apa-apa jawatan atau pekerjaan di bawah sesuatu pihak berkuasa awam atau dalam pentadbiran mana-mana undang-undang yang berhubungan dengan pemerolehan, pemegakan atau pelupusan harta atau berhubungan dengan penubuhan atau penjajaran apaapa pertukangan, perniagaan, profesion, kerjaya atau pekerjaan…&lt;br&gt;&lt;br&gt;5.  (5) Perkara ini tidak menidaksahkan atau melarang—&lt;br&gt;(a) apa-apa peruntukan yang mengawal selia undang-undang diri;&lt;br&gt;(b) apa-apa peruntukan atau amalan yang mengehadkan jawatan atau pekerjaan yang berkaitan dengan hal ehwal manamana agama, atau sesuatu institusi yang diuruskan oleh sekumpulan orang yang menganuti mana-mana agama, kepada orang yang menganuti agama itu;… (Art. 8)</td>
<td><strong>28.</strong> (2) Except as expressly authorized by this Constitution, there shall be no discrimination against citizens on the ground only of religion, race, descent, place of birth or gender in any law or in the appointment to any office or employment under a public authority or in the administration of any law relating to the acquisition, holding or disposition of property or the establishing or carrying on of any trade, business, profession, vocation or employment….&lt;br&gt;&lt;br&gt;5.  (5) This Article does not invalidate or prohibit—&lt;br&gt;(a) any provision regulating personal law;&lt;br&gt;(b) any provisions or practice restricting office or employment connected with the affairs of any religion or of an institution managed by a group professing any religion, to persons professing that religion;… (Art. 8)</td>
<td></td>
</tr>
<tr>
<td><strong>Citizenship &amp; Nationality</strong>&lt;br&gt;&lt;br&gt;28.  (1) Subject to Article 18, any married woman whose husband is a citizen is entitled, upon making application to the Federal Government, to be registered as a citizen if the marriage was subsisting and the husband a citizen at the beginning of October 1962, or if she satisfies the Federal Government—</td>
<td>(1) Tiada seorang pun anggota sesuatu perkhidmatan yang disebut terdahulu boleh dibuang kerja atau diturunkan pangkat tanpa diberi peluang yang munasabah untuk didengar:&lt;br&gt;Dengan syarat bahawa Fasal ini tidaklah terpakai bagi hal yang berikut:…&lt;br&gt;(d) jika apa-apa perintah tahanan, pengawasan, kediaman terhad, buang negeri atau pengusiran telah dibuat terhadap seseorang anggota sesuatu perkhidmatan itu, atau jika apa-apa bantuan sekatan atau pengawasan dengan bon atau selainnya telah dikenakan ke atas seseorang anggota yang sedemikian, di bawah mana-mana undang-undang yang berhubungan dengan keselamatan Persekutuan atau manamana bahagiannya, pencegahan jenayah, tahanan pencegahan, kediaman terhad, buang negeri, imigresen, atau perlindungan wanita dan gadis:… (Art. 135)</td>
<td></td>
</tr>
<tr>
<td><strong>28.</strong> (2) No member of such a service [the public services as aforesaid] shall be dismissed or reduced in rank without being given a reasonable opportunity of being heard: Provided that this clause shall not apply to the following cases:…&lt;br&gt;(d) where there has been made against a member of such a service any order of detention, supervision, restricted residence, banishment or deportation, or where there has been imposed on such a member any form of restriction or supervision by bond or otherwise, under any law relating to the security of the Federation or any part thereof, prevention of crime, preventive detention, restricted residence, banishment, immigration, or protection of women and girls:… (Art. 135)</td>
<td><strong>28.</strong> (2) …words importing the masculine gender include females. (Eleventh Schedule, 2(94))</td>
<td></td>
</tr>
</tbody>
</table>

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29 Available at: [http://www.jac.gov.my/jac/images/stories/aktas/federalconstitution.pdf](http://www.jac.gov.my/jac/images/stories/aktas/federalconstitution.pdf) (last visited May 5, 2012). According to Art. 160B: “Where this Constitution has been translated into the national language, the Yang di-Pertuan Agong may prescribe such national language text to be authoritative, and thereafter if there is any conflict or discrepancy between such national language text and the English language text of this Constitution, the national language text shall prevail over the English language text.”
<table>
<thead>
<tr>
<th>Paragraph</th>
<th>Translation</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Mana-mana warganegara yang berumur dua puluh satu tahun atau lebih dan yang sempurna akal yang juga ialah seorang warganegara negara lain atau yang hampir menjadi seorang warganegara negara lain boleh melepaskan kewarganegaraannya bagi Persekutuan melalui akuan yang didaftarkan oleh Kerajaan Persekutuan, dan hendaklah sesudah itu terhenti menjadi warganegara. (Art. 23)</td>
<td>Any citizen of or over the age of twenty-one years and of sound mind who is also or is about to become a citizen of another country may renounce his citizenship of the Federation by declaration registered by the Federal Government, and shall thereupon cease to be a citizen. (Art. 24)</td>
</tr>
<tr>
<td>(2) Kerajaan Persekutuan boleh melalui perintah melucutkan kewarganegaraan mana-mana warganegara yang menjadi warganegara melalui pendaftaran di bawah Fasal (1) Perkara 15 jika berpuas hati bahawa perkahwinan yang disebabkan olehnya perempuan yang berumur dua puluh satu tahun atau lebih (Art. 23)</td>
<td>(2) The Federal Government may by order deprive of her citizenship any woman who is a citizen by registration under Clause (1) of Article 15 if satisfied that the marriage by virtue of which she was registered has been dissolved, otherwise than by death, within the period of two years beginning with the date of the marriage. (Art. 26)</td>
</tr>
<tr>
<td>9. Apa-apa notis yang hendaklah diberikan oleh Menteri kepada mana-mana orang di bawah Perkara 27 boleh dihantar kepada oarang itu di alamatnya yang akhir diketahui, atau, dalam hal seseorang yang di bawah umur dua puluh satu tahun atau lebih. (Art. 23)</td>
<td>9. Any notice to be given by the Minister to any person under Article 27 may be sent to that person at his last known address, or, in the case of a person under the age of twenty-one years (not being a married woman), to his parent or guardian at</td>
</tr>
</tbody>
</table>
(1) For the purposes of the foregoing provisions of this Chapter—(a) any person who before Merdeka Day became a federal citizen or a citizen of the Federation by registration as a citizen or in consequence of his registration as the subject of a Ruler, or by the grant of a certificate of citizenship, under any provision of the Federation of Malaya Agreement 1948, or of any State law shall be treated as a citizen by registration and, if he was not born within the Federation, as a citizen by registration under Article 17; (b) a woman who before that day became a federal citizen or a citizen of the Federation by registration as a citizen, or in consequence of her registration as the subject of a Ruler, under any provision of the said Agreement or of any State law authorizing the registration of women married to citizens of the Federation or to subjects of the Ruler shall be treated as a citizen by registration under Clause (1) of Article 15… and references in those provisions to the registration or naturalization of a citizen shall be construed accordingly. (Art. 28)

(3) Where a woman is under this Article [re. Deprivation of citizenship of persons becoming citizens on Malaysia Day] to be treated as a citizen by registration, and the status in consequence of which she is to be so treated was acquired by her by virtue of marriage, then for purposes of Clause (4) of Article 24 and Clause (2) of Article 26 she shall be treated as a citizen by registration under Clause (1) of Article 15. (Art. 28A)

Employment

(2) Except as expressly authorized by this Constitution, there shall be no discrimination against citizens on the ground only of religion, race, descent, place of birth or gender in any law or in the appointment to any office or employment under a public authority or in the administration of any law relating to the acquisition, holding or disposition of property or the establishing or carrying on of any trade, business, profession, vocation or employment.…

(5) This Article does not invalidate or prohibit—

(a) any provision regulating personal law;

(b) any provisions or practice restricting office or employment connected with the affairs of any religion or of an institution managed by a group professing any religion, to persons professing that religion;.. (Art. 8)
**Equal Before the Law**

(1) All persons are equal before the law and entitled to the equal protection of the law…
(5) This Article does not invalidate or prohibit—
(a) any provision regulating personal law;
(b) any provisions or practice restricting office or employment connected with the affairs of any religion or of an institution managed by a group professing any religion, to persons professing that religion;… (Art. 8)

**Marriage and Family Life**

4. Civil and criminal law and procedure and the administration of justice, Including—
(a) Constitution and organization of all courts other than Syariah Courts;
(b) Jurisdiction and powers of all such courts;
…
(e) Subject to paragraph (ii), the following:
(i) Contract; partnership, agency and other special contracts; master and servant; ins and inn-keepers; actionable wrongs; property and its transfer and hypothecation, except land; bona vacantia; equity and trusts; marriage, divorce and legitimacy; married women’s property and status; interpretation of federal law; negotiable instruments; statutory declarations; arbitration; mercantile law; registration of businesses and business names; age of majority; infants and minors; adoption; succession, testate and intestate; probate and letters of administration; bankruptcy and insolvency; oaths and affirmations; limitation; reciprocal enforcement of judgments and orders; the law of evidence; 
(ii) the matters mentioned in paragraph (i) do not include Islamic personal law relating to marriage, divorce, guardianship, maintenance, adoption, legitimacy, family law, gifts or succession, testate and intestate; 
…
(k) Ascertainment of Islamic law and other personal laws for purposes of federal law;...

(Ninth Schedule, Legislative Lists, List I—Federal List)

1. Except with respect to the Federal Territories of Kuala Lumpur, Labuan and Putrajaya, Islamic law and personal and family law of persons professing the religion of Islam, including the Islamic law relating to succession, testate and intestate, betrothal, marriage, divorce, dower, maintenance, adoption, legitimacy, guardianship, gifts, partitions and non-charitable trusts; Wakafs and the definition and regulation of charitable and religious trusts, the appointment of trustees and
<table>
<thead>
<tr>
<th>Status of Religious/Customary Law</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Islam ialah agama bagi Persekutuan; tetapi agama-agama lain boleh diamalkan dengan aman dan damai di mana-mana Bahagian Persekutuan.</td>
<td>(1) Islam is the religion of the Federation; but other religions may be practiced in peace and harmony in any part of the Federation.</td>
</tr>
<tr>
<td>(2) Di dalam tiap-tiap Negeri selain Negeri-Negeri yang tidak mempunyai Raja, kedudukan Raja sebagai Ketua agama Islam di Negerinya mengikut cara dan setakat yang diakui dan ditetapkan oleh Perlembagaan Negeri itu, dan, tertakluk kepada Perlembagaan itu, segala hak, keistimewaan, prerogatif dan kuasa yang dinikmati olehnya sebagai Ketua agama Islam, tidaklah tersentuh dan tercacat; tetapi dalam apa-apa perbuatan, amalan atau upacara yang berkenaan dengannya Majlis Raja-Raja telah bersetuju bahawa perbuatan, amalan atau upacara itu patut diperluas ke seluruh Persekutuan, setiap Raja lain hendaklah atas sifatnya sebagai Ketua agama Islam membenarkan Yang di-Pertuan Agong mewakilinya.</td>
<td>(2) In every State other than States not having a Ruler the position of the Ruler as the Head of the religion of Islam in his State in the manner and to the extent acknowledged and declared by the Constitution of that State, and, subject to that Constitution, all rights, privileges, prerogatives and powers enjoyed by him as Head of that religion, are unaffected and unimpaired; but in any acts, observances of ceremonies with respect to which the Conference of Rulers has agreed that they should extend to the Federation as a whole each of the other Rulers shall in his capacity of Head of the religion of Islam authorize the Yang di-Pertuan Agong to represent him.</td>
</tr>
<tr>
<td>(3) Perlembagaan-Perlembagaan Negeri Melaka, Pulau Pinang, Sabah dan Sarawak hendaklah masing-masing membuat peruntukan bagi memberi Yang di-Pertuan Agong kedudukan sebagai Ketua agama Islam di Negeri itu.</td>
<td>(3) The Constitution of the States of Malacca, Penang, Sabah and Sarawak shall each make provision for conferring on the Yang di-Pertuan Agong the position of Head of the religion of Islam in that State.</td>
</tr>
<tr>
<td>(4) Tiada apa-apa ja dalam ini mengurangkan mana-mana peruntukan lain dalam Perlembagaan ini.</td>
<td>(4) Nothing in this Article derogates from any other provision of this Constitution.</td>
</tr>
<tr>
<td>(5) Walau pun apa-apa ja dalam Perlembagaan ini, Yang di-Pertuan Agong hendaklah menjadi Ketua Agama Islam di Wilayah- Wilayah Persekutuan Kuala Lumpur, Labuan dan Putrajaya; dan bagi maksud ini Parlimen boleh melakukan undang-undang membuat peruntukan-peruntukan bagi mengawal selia hal ehwal agama Islam dan bagi menubuhkan suatu Majlis untuk menasihati Yang di-Pertuan Agong mengenai perkara-perkara yang berhubungan dengan agama Islam. (Art. 3)</td>
<td>(5) Notwithstanding anything in this Constitution the Yang di-Pertuan Agong shall be the head of the religion of Islam in the Federal Territories of Kuala Lumpur, Labuan and Putrajaya; and for this purpose Parliament may be law make provisions for regulating Islamic religious affairs and for constituting a Council to advise the Yang di-Pertuan Agong in matters relating to the religion of Islam. (Art. 3)</td>
</tr>
</tbody>
</table>

(1) Semua orang adalah sama rata di sisi undang-undang dan berhak mendapat perlindungan yang sama rata di sisi undang-undang. (2) Kecuali sebagaimana yang dibenarkan dengan nyata oleh Perlembagaan ini tidak boleh ada diskriminasi terhadap warganegara | (1) All persons are equal before the law and entitled to the equal protection of the law. (2) Except as expressly authorized by this Constitution, there shall be no discrimination against citizens on the ground only of religion, race, descent, place |
semata-mata atas alasan agama, ras, keturunan, tempat lahir atau jantina dalam mana-mana undang-undang atau dalam pelantikan kepada apa-apa jawatan atau pekerjaan di bawah sesuatu pihak berkuaasa awam atau dalam pentadbiran mana-mana undang-undang yang berhubungan dengan pemerolehan, pemegangan atau pelupusan harta atau berhubungan dengan penubuhan atau penjalanan apaapa pertukangan, perniagaan, profesion, kerja atau pekerjaan…

(5) Perkara ini tidak menidaksahkan atau melarang—
(a) apa-apa peruntukan yang mengawal selia undang-undang diri;
(b) apa-apa peruntukan atau amalan yang mengehadkan jawatan atau pekerjaan yang berkaitan dengan hal ehwal manamana agama, atau sesuatu institusi yang diuruskan oleh seumpulan orang yang menganuti mana-mana agama, kepada orang yang menganuti agama itu; … (Art. 8)

(1) Tiap-tiap orang berhak menganuti dan mengamalkan agamanya dan, tertakluk kepada Fasal (4), mengembangkannya. (2) Tiada seorang pun boleh dipaksa membayar apa-apa cukai yang hasilnya diuntukkan khas kesemua atau sebahagianya bagi maksud sesuatu agama selain agamanya sendiri.

(3) Tiap-tiap kumpulan agama berbaki—
(a) menguruskan hal ehwal agamanya sendiri;
(b) mempunyai hak untuk mengurus atau menguruskan institusi-institusi untuk kegunaan agama di kalangan orang yang menganuti agama yang mencakup kewangan; dan
(c) mempunyai hak untuk memperoleh kewangan dan memegang dan mentadbirkannya.

(4) Undang-undang Negeri dan berkenaan dengan Wilayah-Wilayah Persekutuan Kuala Lumpur, Labuan dan Putrajaya, undang-undang persekutuan boleh mengawal atau mengehadkan pengembangan apa-apa doktrin atau kepercayaan agama di kalangan orang yang menganuti agama Islam.

(5) Perkara ini tidaklah membentuk apa-apa perbuatan yang berlawanan dengan mana-mana undang-undang yang berhubungan dengan ketenteraman awam, kesihatan awam atau prinsip moral. (Art. 11)

(1) Parlimen boleh membuat undang-undang mengenai apaapa perkara yang disebut satu persatuan dalam Senarai Negeri, tetapi hanya seperti yang berikut sahaja, iaitu:
(a) bagi maksud melaksanakan apa-apa triti, perjanjian atau konvensyen antara Persekutuan dengan mana-mana negara lain, atau apa-apa keputusan sesuatu organisasi antarabangsa yang dianggotai oleh Persekutuan; atau
(b) bagi maksud menggalakkan kerjasama undang-undang antara dua Negeri atau lebih; atau
(c) jika diminta sedemikian oleh Dewan Undang-negara atau Dewan Undang-negara.

(2) Tiada undang-undang boleh dibuat menurut perenggan (a) Fasal (1) mengenai apa-apa perkara mengenai hukum Syarak atau adat orang Melayu atau mengenai apa-apa perkara tentang undang-undang atau adat anak negeri di Negeri Sabah dan Sarawak dan tiada Rang Undang-Undang bagi suatu undang-undang di bawah perenggan itu boleh dibawa dalam mananama sah Majlis Parlimen sehingga

(1) Every person has the right to profess and practise his religion and, subject to Clause (4), to propagate it.

(2) No person shall be compelled to pay any tax the proceeds of which are specially allocated in whole or in part for the purposes of a religion other than his own.

(3) Every religious group has the right—
(a) to manage its own religious affairs;
(b) to establish and maintain institutions for religious or charitable purposes; and
(c) to acquire and own property and hold and administer it in accordance with law.

(4) State law and in respect of the Federal Territories of Kuala Lumpur, Labuan and Putrajaya, federal law may control or restrict the propagation of any religious doctrine or belief among persons professing the religion of Islam.

(5) This Article does not authorize any act contrary to any general law relating to public order, public health or morality. (Art. 11)

(1) Parliament may make laws with respect to any matter enumerated in the State List, but only as follows, that is to say:
(a) for the purpose of implementing any treaty, agreement or convention between the Federation and any other country, or any decision of an international organization of which the Federation is a member; or
(b) for the purpose of promoting uniformity of the laws of two or more States; or
(c) if so requested by the Legislative Assembly of any State.

(2) No law shall be made in pursuance of paragraph (a) of Clause (1) with respect to any matters of Islamic law or the custom of the Malays or to any matters of native law or custom in the States of Sabah and Sarawak and no Bill for a law under that paragraph shall be introduced into either House of Parliament until the Government of any State concerned has been consulted. (Art. 76)
| Kerajaan mana-mana Negeri yang berkenaan telah dirundingi. (Art. 76) | (1) There shall be two High Courts of co-ordinate jurisdiction and status, namely—
(a) one in the States of Malaya, which shall be known as the High Court in Malaya and shall have its principal registry at such place in the States of Malaya as the Yang di-Pertuan Agong may determine; and
(b) one in the States of Sabah and Sarawak, which shall be known as the High Court in Sabah and Sarawak and shall have its principal registry at such place in the States of Sabah and Sarawak as the Yang di-Pertuan Agong may determine;
(c) (Repealed).
(1A) Mahkamah yang disebut dalam Fasal (1) tidaklah mempunyai bidang kuasa berkenaan dengan apa-apa perkara dalam bidang kuasa mahkamah Syariah. (Art. 121)

| (1) Maka hendaklah ada dua Mahkamah Tinggi yang setara bidang kuasa dan tarafnya, iaitu—
(a) satu di Negeri-Negeri Tanah Melayu, yang dikenali sebagai Mahkamah Tinggi di Malaya dan yang mempunyai pejabat pendaftarannya yang utama di mana-mana tempat di Negeri-Negeri Tanah Melayu yang ditentukan oleh Yang di-Pertuan Agong; dan
(b) satu di Negeri Sabah dan Sarawak, yang dikenali sebagai Mahkamah Tinggi di Sabah dan Sarawak dan yang mempunyai pejabat pendaftarannya yang utama di mana-mana tempat di Negeri Sabah dan Sarawak yang ditentukan oleh Yang di-Pertuan Agong;
(c) (Dimansuhkan),
dan mana-mana mahkamah bawahan yang diperuntukkan oleh undang-undang persekutuan dan Mahkamah Tinggi dan mahkamah bawahan itu hendaklah mempunyai apa-apa bidang kuasa dan kuasa yang diberikan oleh atau di bawah undang-undang persekutuan.
(1A) Mahkamah yang disebut dalam Fasal (1) tidaklah mempunyai bidang kuasa berkenaan dengan apa-apa perkara dalam bidang kuasa mahkamah Syariah. (Art. 121)

| (3) Peguam Negara hendaklah mempunyai kuasa yang boleh dijalankan menurut budi bicaranya, untuk memulakan, menjalankan atau memberhentikan apa-apa prosiding bagi sesuatu kesalahan, selain prosiding di hadapan mahkamah Syariah, mahkamah anak negeri atau mahkamah tentera. (Art. 145) | (3) The Attorney General shall have power, exercisable at his discretion, to institute, conduct or discontinue any proceedings for an offence, other than proceedings before a Syariah court, a native court or a court-martial. (Art. 145)

| (3) Peguam Negara hendaklah mempunyai kuasa yang boleh dijalankan menurut budi bicaranya, untuk memulakan, menjalankan atau memberhentikan apa-apa prosiding bagi sesuatu kesalahan, selain prosiding di hadapan mahkamah Syariah, mahkamah anak negeri atau mahkamah tentera. (Art. 145) | (3) The Attorney General shall have power, exercisable at his discretion, to institute, conduct or discontinue any proceedings for an offence, other than proceedings before a Syariah court, a native court or a court-martial. (Art. 145)

| 4. Undang-undang dan tatacara sivil dan jenayah dan pentadbiran keadilan, termasuk—
(a) Keanggotaan dan susunan semua mahkamah selain Mahkamah Syariah;
(b) Bidang kuasa dan kuasa semua mahkamah itu;
(c) Tertakluk kepada perenggan (ii), perkara yang berikut:
(i) Kontrak; perkongsian, agensi dan kontrak khas yang lain; majikan dan perkhidmat; rumah inapan dan tuan rumah inapan; perbuatan salah boleh dakwa; harta dan pindah hakmiliknya serta hipotekasinya, kecuali tanah; bona vacanti; ekuiti dan amanah; perkahwinan, perceraian dan kesahtarafan; harta dan taraf perempuan bersuami; pentafsiran undang-undang persekutuan; surat cara boleh niaga; akuan berkanun; timbang tara; undang-undang keterangan; perintah dan perintah lain yang diwajibkan atau disyaratkan oleh undang-undang; peraturan pemerintah dan seterusnya;
(ii) Subject to paragraph (ii), the following:
(i) Contract; partnership, agency and other special contracts; master and servant; inns and inn-keepers; actionable wrongs; property and its transfer and hypothecation, except land; bona vacantia; equity and trusts; marriage, divorce and legitimacy; married women’s property and status; interpretation of federal law; negotiable instruments; statutory declarations; arbitration; mercantile law; registration of businesses and business names; age of majority; infants and minors; adoption; succession, testamentary intestate; probate and letters of administration; bankruptcy and insolvency; oaths and affirmations; limitation; reciprocal enforcement of judgments and orders; the law of evidence; and
(ii) the matters mentioned in paragraph (i) do not include Islamic personal law relating to marriage, divorce, guardianship, maintenance, adoption, legitimacy, family law, gifts or succession, testamentary intestate;...
<table>
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<tr>
<th>perceraian, penjagaan, nafkah, pengangkatan, kesahtaran, undang-undang keluarga, alang atau pewarisan, berwasiat dan tidak berwasiat;… (k) Penenetuan hukum Syarak dan undang-undang diri yang lain bagi maksud undang-undang persekutuan;… (Jadual Kesembilan [Perkara 74, 77], Senarai Perundangan, Senarai I—Senarai Persekutuan)</th>
<th>(k) Ascertainment of Islamic law and other personal laws for purposes of federal law;… (Ninth Schedule, Legislative Lists, List I—Federal List)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Kecuali mengenai Wilayah Persekutuan Kuala Lumpur, Labuan dan Putrajaya, hukum Syarak dan undang-undang diri dan keluarga bagi orang yang menganut agama Islam, termasuk hukum Syarak yang berhubungan dengan pewarisan, berwasiat dan tidak berwasiat, pertunangan, perkawinan, perceraian, mas kahwin, nafkah, pengangkatan, kesahtaran, penjagaan, alang, pecah milik dan amanah bukan khairat; Wakaf dan takrif serta pengawalseliaan amanah khairat dan agama, pelantikan pemegang amanah dan pemerbadanan orang berkenaan dengan derma kekal agama dan khairat, institusi, amanah, khairat dan institusi khairat Islam yang beroperasi keseluruhannya di dalam Negeri; adat Melayu; Zakat, Fitrah dan Baitulmal atau hasil agama Islam yang seumpamanya; masjid atau mana-mana tempat sembahyang awam untuk orang Islam, pewujudan dan penghukuman kesalahan yang dilakukan oleh orang yang menganut agama Islam terhadap perintah agama itu, kecuali berkenaan dengan perkara yang termasuk dalam Senarai Persekutuan; keanggotaan, susunan dan tatacara mahkamah Syariah, yang hendaklah mempunyai bidang kuasa hanya ke atas orang yang menganut agama Islam dan hanya berkenaan dengan mana-mana perkara yang termasuk dalam perenggan ini, tetapi tidak mempunyai bidang kuasa berkenaan dengan kesalahan kecuali setakat yang diberikan oleh undang-undang persekutuan; mengawal pengembangan doktrin dan kepercayaan di kalangan orang yang menganut agama Islam; penentuan perkara mengenai hukum dan doktrin Syarak dan adat Melayu. (Jadual Kesembilan, Senarai Perundangan, Senarai II—Senarai Negeri)</td>
<td>1. Except with respect to the Federal Territories of Kuala Lumpur, Labuan and Putrajaya, Islamic law and personal and family law of persons professing the religion of Islam, including the Islamic law relating to succession, testate and intestate, betrothal, marriage, divorce, dower, maintenance, adoption, legitimacy, guardianship, gifts, partitions and non-charitable trusts; Wakafs and the definition and regulation of charitable and religious trusts, the appointment of trustees and the incorporation of persons in respect of Islamic religious and charitable endowments, institutions, trusts, charities and charitable institutions operating wholly within the State; Malay customs; Zakat, Fitrah and Baitulmal or similar Islamic religious revenue; mosques or any Islamic public places of worship, creation and punishment of offences by persons professing the religion of Islam against precepts of that religion, except in regard to matters included in the Federal List; the constitution, organization and procedure of Syariah courts, which shall have jurisdiction only over persons professing the religion of Islam and in respect only of any of the matters included in this paragraph, but shall not have jurisdiction in respect of offences except in so far as conferred by federal law; the control of propagating doctrines and beliefs among persons professing the religion of Islam; the determination of matters of Islamic law and doctrine and Malay custom. (Ninth Schedule, Legislative Lists, List II—State List)</td>
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<tr>
<td>Dhivehi</td>
<td>English</td>
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</tr>
<tr>
<td><strong>Equality</strong></td>
<td>(a) The enumeration of rights and freedoms in this Chapter are guaranteed equally to female and male persons. (Art. 62)</td>
</tr>
<tr>
<td>ރިބުމުގެހަމަހަމަކަމާއެކު (62)</td>
<td>(a) Everyone is entitled to the rights and freedoms included in this Chapter without discrimination of any kind, including race, national origin, colour, sex, age, mental or physical disability, political or other opinion, property, birth or other status, or native island. (b) Special assistance or protection to disadvantaged individuals or groups, or to groups requiring special social assistance, as provided in law shall not be deemed to be discrimination, as provided for in article (a). (Art. 17)</td>
</tr>
<tr>
<td><strong>Public Authorities, Institutions &amp; Services</strong></td>
<td>(c) Every citizen shall have equal access to the receipt of rights and benefits from any island where he has established residency. (Art. 41)</td>
</tr>
<tr>
<td>ރިބިދޭންޖެހޭރުބިދ (17)</td>
<td>(a) Members of the security services shall treat all persons and groups equally without any discrimination, and with humanity and dignity in accordance with the decorous principles of Islam. (Art. 246)</td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>Employment</th>
<th>(b) Everyone is entitled to just and safe conditions of work, fair wages, equal remuneration for work of equal value, and equal opportunity for promotion. (Art. 37)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Equal Before the Law</td>
<td>Every individual is equal before and under the law, and has the right to the equal protection and equal benefit of the law. (Art. 20)</td>
</tr>
<tr>
<td>Marriage &amp; Family Life</td>
<td>(a) Every person of marriageable age as determined by law has the right to marry, and to establish a family as specified in law. The family, being the natural and fundamental unit of society, is entitled to special protection by society and the State. (Art. 34)</td>
</tr>
<tr>
<td>Status of Religious/Customary Law</td>
<td>The Maldives is a sovereign, independent, democratic Republic based on the principles of Islam, and is a unitary State, to be known as the Republic of the Maldives. Any reference to “the Maldives” is a reference to the Republic of the Maldives. (Art. 2)</td>
</tr>
<tr>
<td></td>
<td>(a) The religion of the State of the Maldives is Islam. Islam shall be the one of the basis of all the laws of the Maldives</td>
</tr>
<tr>
<td></td>
<td>(b) No law contrary to any tenet of Islam(^{33}) shall be enacted in the Maldives (Art. 10)</td>
</tr>
</tbody>
</table>

\(^{33}\) According to Art. 274: “…‘tenet of Islam’ means, the Holy Qur’an and those principles of Shari’ah whose provenance is not in dispute from among those found in the Sunna of the Noble Prophet, and those principles derived from these two foundations;…”
(a) This Constitution guarantees to all persons, in a manner that is not contrary to any tenet of Islam, the rights and freedoms contained within this Chapter [Chapter II, Fundamental Rights and Freedoms], subject only to such reasonable limits prescribed by a law enacted by the People's Majlis in a manner that is not contrary to this Constitution. Any such law enacted by the People’s Majlis can limit the rights and freedoms to any extent only if demonstrably justified in a free and democratic society. 

(b) The limitation of a right or freedom specified in this Chapter by a law enacted by the People’s Majlis as provided for in this Constitution, and in order to protect and maintain the tenets of Islam, shall not be contrary to article (a). 

(c) In deciding whether a right or freedom in this Chapter, has been limited in accordance with article (a) and (b), a court must be fully cognisant of and make reference to all the facts, including:
1. the nature and character of the right or freedom;
2. the purpose and importance of limiting the right or freedom;
3. the extent and manner of limiting the right or freedom;
4. the relationship between the limitation of the right or freedom and the importance of the right or freedom;
5. the extent to which the objective for which the right or freedom has been limited could have been achieved by limiting the right or freedom to a lesser degree;
6. the extent to which the right or freedom must be limited in order to protect the tenets of Islam, where the right or freedom has been limited pursuant to article (b).

(d) The onus of establishing that the limitation to any extent, of a right or freedom included in this Chapter is within the reasonable limitations prescribed in this Constitution is on the State or the person asserting the limitation of the right or freedom. (Art. 16)
A citizen is free to engage in any conduct or activity that is not expressly prohibited by Islamic Shari’ah or by law. No control or restraint may be exercised against any person unless it is expressly authorised by law. (Art. 19)

The Judges are independent, and subject only to the Constitution and the law. When deciding matters on which the Constitution or the law is silent, Judges must consider Islamic Shari’ah. In the performance of their judicial functions, Judges must apply the Constitution and the law impartially and without fear, favour or prejudice. (Art. 142)

When interpreting and applying the rights and freedoms contained within this Chapter [Chapter II, Fundamental Rights and Freedoms], a court or tribunal shall promote the values that underlie an open and democratic society based on human dignity, equality and freedom, and shall consider international treaties to which the Maldives is a party. (Art. 68)

(b) The enumeration of rights and freedoms individually in this Chapter shall not be

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34 According to Art. 274: “…‘Islamic Shari’ah’ means, the Holy Qur’an and the ways preferred by the learned people within the community and followers of the Sunnah in relation to criminal, civil, personal and other matters found in the Sunna;…”
construed to deny or negate other rights retained by the people which are not specified in this Chapter. (Art. 62)

### Human Rights Duties

The exercise and enjoyment of fundamental rights and freedoms is inseparable from the performance of responsibilities and duties, and it is the responsibility of every citizen:

(a) to respect and protect the rights and freedoms of others;

(f) to promote democratic values and practices in a manner that is not inconsistent with any tenet of Islam;

Every person in the Maldives must also respect these duties.

(Art. 67)
### Constitution of Mongolia 1992, as amended to 2000

<table>
<thead>
<tr>
<th>Mongolian35</th>
<th>English36</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Equality</strong></td>
<td>The citizens of Mongolia are guaranteed to enjoy the following rights and freedoms:…11) men and women shall enjoy equal rights in political, economic, social, cultural fields and in family relationship. Marriage shall be based on the equality and mutual consent of the spouses who have reached the age determined by law. The State shall protect the interests of the family, motherhood and the child… (Art. 16)</td>
</tr>
<tr>
<td><strong>Non-Discrimination</strong></td>
<td>2. No person shall be discriminated against on the basis of ethnic origin, language, race, age, sex, social origin and status, property, occupation and position, religion, opinion and education. Every one shall be a person before the law. (Art. 14)</td>
</tr>
<tr>
<td><strong>Public Authorities, Institutions &amp; Services</strong></td>
<td>2. The fundamental principles of the activities of the State shall be securing democracy, justice, freedom, equality, national unity and rule of law. (Art. 1)</td>
</tr>
<tr>
<td><strong>Political Participation &amp; Freedom of Association</strong></td>
<td>The citizens of Mongolia are guaranteed to enjoy the following rights and freedoms:…11) men and women shall enjoy equal rights in political, economic, social, cultural fields and in family relationship. Marriage shall be based on the equality and mutual consent of the spouses who have reached the age determined by law. The State shall protect the interests of the family, motherhood and the child… (Art. 16)</td>
</tr>
<tr>
<td><strong>Equal before the Law</strong></td>
<td>1. All persons lawfully residing within Mongolia are equal before the law and the Court. (Art. 14)</td>
</tr>
<tr>
<td><strong>Marriage &amp; Family Life</strong></td>
<td>The citizens of Mongolia are guaranteed to enjoy the following rights and freedoms:…5) the right to material and financial assistance in old age, disability, childbirth and childcare and in other circumstances as provided by law… (Art. 16)</td>
</tr>
<tr>
<td><strong>Status of Religious/Custom</strong></td>
<td>The citizens of Mongolia are guaranteed to enjoy the following rights and freedoms:…11) men and women shall enjoy equal rights in political, economic, social, cultural fields and in family relationship. Marriage shall be based on the equality and mutual consent of the spouses who have reached the age determined by law. The State shall protect the interests of the family, motherhood and the child… (Art. 16)</td>
</tr>
</tbody>
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35 Copy on file from HeinOnline World Constitutions Illustrated Library 2011.
carry out political activities.
3. The relationship between the State and the Church shall be regulated by law. (Art. 9)

1. Mongolia shall adhere to the universally recognized norms and principles of international law and pursue a peaceful foreign policy.
2. Mongolia shall fulfill in good faith its obligations under international treaties to which it is a Party.
3. The international treaties to which Mongolia is a Party shall become effective as domestic legislation upon the entry into force of the laws on their ratification or accession.
4. Mongolia shall not abide by any international treaty or other instruments incompatible with its Constitution. (Art. 10)

1. The State shall be responsible to the citizens for the creation of economic, social, legal and other guarantees ensuring human rights and freedoms, to fight against violations of human rights and freedoms and to restore infringed rights. (Art. 19)

1. The Government shall implement the State laws, in accordance with duties to direct economic, social and cultural development, shall exercise the following power:… 7/ to take measures for the protection of human rights and freedoms, strengthening public order and the prevention of crime;… (Art. 38)

1. Citizens of Mongolia, while upholding justice and humanity, shall fulfill in good faith the following basic duties:
1) to respect and abide by the Constitution and other laws;
2) to respect dignity, reputation, rights and legitimate interests of others;
3) to pay taxes levied by law;
4) to defend the motherland and to perform military service according to law.
2. It is a sacred duty for every citizen to work, protect his/her health, bring up and educate his/her children and to protect nature and the environment. (Art. 17)
<table>
<thead>
<tr>
<th>Burmese</th>
<th>English</th>
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</thead>
<tbody>
<tr>
<td><strong>Equality</strong></td>
<td>We, the National people, firmly resolve that we shall:…- stalwartly strive for further burgeoning the <em>eternal principles</em> namely justice, liberty, equality and perpetuation of peace and prosperity of the National people;… (Preamble)</td>
</tr>
<tr>
<td>ကျန်စွာလူမျိုးများကို ထိထောင်မှုပြည်သူများကို ကြည့်နေပါမည် - နိုင်ငံတော်၏ စိတ်ကူးလိုက်ခြင်း အစိတ်အပိုင်း အရှိန်းများ အစိတ်အပိုင်းများ နှင့် အစိတ်အပိုင်းများ ကို ထောင်စုရည်ရွယ်နေပါသည် အဖြစ်ဖြစ်သည် နိုင်ငံတော်၏ စိတ်ကူးလိုက်ခြင်း အစိတ်အပိုင်းများ ကို တွေ့ရှိыန်းသည် နိုင်ငံတော်၏ စိတ်ကူးလိုက်ခြင်း အစိတ်အပိုင်းများ ကို တွေ့ရှိသည်</td>
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<tr>
<td>(a) ကျန်စွာလူမျိုးများကို ထိထောင်မှုပြည်သူများကို ကြည့်နေပါမည်</td>
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<tr>
<td><strong>Non-Discrimination</strong></td>
<td>The Union shall not discriminate any citizen of the Republic of the Union of Myanmar, based on race, birth, religion, official position, status, culture, sex and wealth. (Art. 348)</td>
</tr>
<tr>
<td>ကျန်စွာလူမျိုးများကို ထိထောင်မှုပြည်သူများကို ကြည့်နေပါမည်</td>
<td></td>
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<tr>
<td><strong>Public Authorities, Institutions &amp; Services</strong></td>
<td>The Union’s consistent objectives are: (e) enhancing the eternal principles of Justice, Liberty and Equality in the Union… (Basic Principles of the Union, Art. 6)</td>
</tr>
<tr>
<td>ထို့အပြင် နိုင်ငံတော်၏ စိတ်ကူးလိုက်ခြင်း အစိတ်အပိုင်းများ ကို ထောင်စုရည်ရွယ်နေပါသည်</td>
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<tr>
<td><strong>Education</strong></td>
<td>The Union shall honour and assist citizens who are outstanding in education irrespective of race, religion and sex according to their qualifications. (Art. 368)</td>
</tr>
<tr>
<td>ကျန်စွာလူမျိုးများကို ထိထောင်မှုပြည်သူများကို ကြည့်နေပါမည်</td>
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</tr>
<tr>
<td><strong>Employment</strong></td>
<td>Citizens shall enjoy equal opportunity in carrying out the following functions: (a) public employment; (b) occupation; (c) trade; (d) business; (e) technical know-how and vocation; (f) exploration of art, science and technology.</td>
</tr>
<tr>
<td>(a) ကျန်စွာလူမျိုးများကို ထိထောင်မှုပြည်သူများကို ကြည့်နေပါမည်</td>
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38 Available at: http://www.burmalibrary.org/docs09/Myanmar_Constitution-2008(en&bu)-red.pdf (last visited May 5, 2012). According to Art. 452: “Interpretation of the preamble, Sections, Sub-Sections, expressions, individual words and ideas of this Constitution shall be based only on the Myanmar text.” However, this document appears to be the official bilingual version.
39 “The Basic Principles of the Union shall be the guidance in enacting laws by legislature and in interpreting the provisions of this Constitution and other laws” (Basic Principles of the Union, Art. 48). See also “The application of the Basic Principles of the Union in the legislation and administration shall be the care of the Union but shall not be enforceable in any Court of law.” (Art. 451).
<table>
<thead>
<tr>
<th>Article</th>
<th>Text</th>
</tr>
</thead>
<tbody>
<tr>
<td>349</td>
<td>Women shall be entitled to the same rights and salaries as that received by men in respect of similar work. (Art. 350)</td>
</tr>
<tr>
<td>352</td>
<td>The Union shall, upon specified qualifications being fulfilled, in appointing or assigning duties to civil service personnel, not discriminate for or against any citizen of the Republic of the Union of Myanmar, based on race, birth, religion, and sex. However, nothing in this Section shall prevent appointment of men to the positions that are suitable for men only. (Art. 352)</td>
</tr>
<tr>
<td>347</td>
<td>The Union shall guarantee any person to enjoy equal rights before the law and shall equally provide legal protection. (Art. 347)</td>
</tr>
<tr>
<td>32</td>
<td>The Union shall: (a) care for mothers and children, orphans, fallen Defence Services personnel’s children, the aged and the disabled (Basic Principles of the Union, Art. 32)</td>
</tr>
<tr>
<td>351</td>
<td>Mothers, children and expectant women shall enjoy equal rights as prescribed by law. (Art. 351)</td>
</tr>
<tr>
<td>361</td>
<td>The Union recognizes special position of Buddhism as the faith professed by the great majority of the citizens of the Union. (Art. 361)</td>
</tr>
<tr>
<td>Non-Discrimination</td>
<td>English</td>
</tr>
<tr>
<td>---------------------</td>
<td>---------</td>
</tr>
<tr>
<td>(3) The State shall not discriminate among citizens on grounds of religion, race, caste, tribe, gender, origin, language or ideological conviction or any of these. Provided that nothing shall be deemed to prevent the making of special provisions by law for the protection, empowerment or advancement of women, Dalits, indigenous ethnic tribes [Adivasi Janajati], Madhesi or farmers, labourers or those who belong to a class which is economically, socially or culturally backward, or children, the aged, disabled or those who are physically or mentally incapacitated. (Art. 13)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Rights of Women</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) No woman shall be discriminated against in any way on the basis of gender.</td>
<td></td>
</tr>
<tr>
<td>(2) Every woman shall have the right to reproductive health and other reproductive rights.</td>
<td></td>
</tr>
<tr>
<td>(3) No physical, mental or other form of violence shall be inflicted on any woman, and such an act shall be punishable by law.</td>
<td></td>
</tr>
<tr>
<td>(4) Sons and daughters shall have equal rights to ancestral property. (Art. 20)</td>
<td></td>
</tr>
<tr>
<td>(8) The State shall pursue a policy of encouraging maximum participation of women in national development by making special provision for their education, health and employment.</td>
<td></td>
</tr>
<tr>
<td>(9) The State shall pursue a policy of making special provision for social security for the protection and welfare of single women, orphans, children, the helpless, the aged, disabled, incapacitated persons and tribes on the verge of extinction…</td>
<td></td>
</tr>
<tr>
<td>(14) The State shall pursue a policy of making special provision on the basis of positive discrimination for the minorities, landless, squatters, bonded labourers, persons with disability, backward communities and sections, and the victims of conflict, including women, Dalits, indigenous tribes[Adivasi Janajati], Madhesis and Muslims…</td>
<td></td>
</tr>
<tr>
<td>(17) The State shall pursue a policy of making legal provision for allowances to the aged, incapacitated women and the unemployed. (Responsibilities, Directive Principles and Policies of the State, Art. 35)</td>
<td></td>
</tr>
</tbody>
</table>

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41 The Interim Constitution of Nepal, 2063 (2007) 8th Amendment (available at: http://www.ccd.org.np/new/index.php?action=resources) (last visited May 5, 2012). For information on the 9th, 10th, and 11th amendments regarding the Constituent Assembly schedule see http://www.ccd.org.np/new/resources/CA_schedule_10_amd_ENG.pdf and http://www.ncf.org.np/ca-archives/ca_updates8.htm. On May 20, 2012, the 12th Amendment to the Interim Constitution was passed to shorten the process for promulgating the constitution to meet the May 27, 2012 deadline for the new constitution (see, e.g., http://www.nepalnews.com/archive/2012/may/may20/news01.php). Note that concept papers for the new constitution by each of the eleven thematic committees of the Constituent Assembly—including that of the Constitutional Committee which was tasked with preparing a thematic report to “identify issues which are not included in the Preamble of the Constitution or the jurisdiction of any thematic committees” and to “prepare and present before the Constituent Assembly a draft of the constitution on the basis of the reports received from these committees and the recommendations and directions of the Constituent Assembly after holding a discussion on them” (http://www.ccd.org.np/new/constitution_in_progress/concept_paper_Constitutional_Committee_ENG.pdf)—are available here: http://www.ccd.org.np/new/index.php.
Having determined upon the progressive restructuring of the state in order to resolve the existing problems of the country relating to class, caste, region and gender… (Preamble)

Women, labourers, the aged, disabled as well as incapacitated and helpless citizens shall have the right to social security as provided for in the law. (Art. 18)

Women, Dalits, indigenous ethnic groups [Adivasi Janajati], Madhesi communities, oppressed groups, the poor farmers and labourers, who are economically, socially or educationally backward, shall have the right to participate in state structures on the basis of principles of proportional inclusion. (Art. 21)

The State shall have the following responsibilities:.. c) to adopt a political system which fully abides by the universally accepted concepts of fundamental human rights, multi-party competitive democratic system, sovereign authority inherent in the people and supremacy of the people, constitutional checks and balances, rule of law, social justice and equality… (Responsibilities, Directive Principles and Policies of the State, Art. 33)

The State shall have the following responsibilities:.. (d) to carry out an inclusive, democratic and progressive restructuring of the State by eliminating its existing form of centralized and unitary structure in order to address the problems related to women, Dalits, indigenous tribes [Adivasi Janajati], Madhesis, oppressed and minority communities and other disadvantaged groups, by eliminating class, caste, language, gender, cultural, religious and regional discrimination…(n) to repeal all discriminatory laws… (Responsibilities, Directive Principles and Policies of the State, Art. 33)

The State shall have the following responsibilities:.. (d1) to enable Madhesi, Dalits, indigenous ethnic groups[Advisi Janajati], women, labourers, farmers, the physically impaired, disadvantaged classes and disadvantaged regions to participate in all organs of the State structure on the basis of proportional inclusion… (Responsibilities, Directive Principles and Policies of the State, Art. 33)

It shall be the chief objective of the State to promote conditions of welfare on the basis of the principles of an open society, by establishing a just system in all aspects of national life, including social, economic and political life, while at the same time protecting the lives, property, equality and liberty of the people…

“1) No question shall be raised in any court as to whether provisions contained in this Part are implemented or not. (2) The State shall mobilize or cause the mobilization of the required resources and necessary means for the implementation of the principles and policies contained in this Part.” (Responsibilities, Directive Principles and Policies of the State, Art. 36).
(4) The fundamental economic objective of the State must be to give priority and protection to making the national economy independent, self-reliant and progressive by preventing the concentration of available resources and means of the country within a limited section of society, by making arrangements for equitable distribution of economic gains based on social justice, by making such provision as will prevent economic inequality and exploitation of any caste, gender, class, origin or individuals, and by giving priority and encouragement to national private and public enterprises.

(5) The social objective of the State shall be to establish and develop a healthy social life on the foundation of justice and morality, by eliminating all types of economic and social inequalities and by establishing harmony among diverse castes, tribes, religions, languages, races, communities and sects...

(Responsibilities, Directive Principles and Policies of the State, Art. 34)

<table>
<thead>
<tr>
<th>Political Participation &amp;</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(3) The State shall pursue a policy of strengthening the unity of the nation by maintaining the cultural diversity of the country through the promotion of healthy and harmonious social relations, on the basis of equality and coexistence, among people of various religions, cultures, castes, communities, sects, origins, languages and linguistic groups, and by assisting in the equal promotion of their languages, literatures, scripts, arts and cultures, (Responsibilities, Directive Principles and Policies of the State, Art. 35)</td>
<td></td>
</tr>
</tbody>
</table>

|  (2) While appointing the chairperson and members of the National Human Rights Commission, diversity, including gender diversity, must be maintained. (Art. 131)  |

|  (1) To bring an end to discrimination based on class, caste, language, gender, culture, religion and region by eliminating the centralized and unitary form of the state, the state shall be made inclusive and restructured into a progressive, democratic federal system. (Art. 138)  |

|  (4A) In order to give the Nepal Army a national character and make it inclusive, enlisting of Madhesi, indigenous ethnic groups, Dalits, women, and people from backward regions into the armed forces on the basis of the principles of equality and inclusiveness shall be ensured by law. (Art. 144)  |

|  The Government of Nepal may form necessary commissions to safeguard and promote the rights and interests of different sectors of the country including women, Dalits, indigenous ethnic groups[Adivasi Janajati], Madhesh, disabled, labourers or farmers. The provisions for the formation, functions, duties and powers of such commissions shall be as determined by the law. (Art. 154)  |

<table>
<thead>
<tr>
<th>Political Participation &amp;</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(4) The principle of inclusiveness shall be taken into consideration by political parties while selecting candidates pursuant to sub-clause (a) of clause (3), and,</td>
<td></td>
</tr>
</tbody>
</table>

|  |  |
Freedom of Association

while making the lists of the candidates pursuant to sub-clause (b), the political parties shall ensure the proportional representation of women, Dalits, oppressed communities/indigenous groups, backward regions, Madhesis and other groups, in accordance with the law.

Citizenship & Nationality

(1) Any political party wishing to secure recognition from the Election Commission for the purposes of elections shall be required to register its name with the Election Commission in accordance with the procedure determined by the Commission. Political parties that fail to register their names shall be removed from the list of the Election Commission…

(2) At the commencement of this Constitution, the following persons who have their domicile in Nepal shall be deemed to be citizens of Nepal by descent-

(3) Political parties shall fulfil the following conditions while filing an application pursuant to clause (1) -

(4) The Election Commission shall not register any political party if any Nepali citizen is discriminated against in becoming a member of the political party on the basis of religion, caste, tribe, language or gender or if the name, objectives, symbol or flag of such political party is of a character that may disturb the country’s religious or communal unity or is divisive in character, or if the constitution or rules of such party have the objective of protecting and promoting a partyless or single party system of government… (Art. 142)

(5) At the commence ment of this Constitution, the following persons who have their domicile in Nepal shall be deemed to be citizens of Nepal by descent-

(6) A woman of foreign nationality who is married to a Nepali citizen may acquire naturalized citizenship, if she desires to do so, as provided for by the existing law. (Art. 8)
| Right to property/inheritance | (9) Notwithstanding anything contained elsewhere in this Article, in the case of a person born to a woman citizen of Nepal married to a foreigner, if such a person is born in Nepal and has been residing permanently in Nepal and has not acquired citizenship of the foreign country by virtue of the citizenship of his or her father, he or she may acquire naturalized citizenship of Nepal according to the existing law. (Art. 8) |
| Reproductive rights | (4) Sons and daughters shall have equal rights to ancestral property. (Art. 20) |
| Education | (1) All citizens shall be equal before the law. No person shall be denied the equal protection of the laws. (2) There shall be no discrimination against any citizen in the application of general laws on grounds of religion, race, gender, caste, tribe, origin, language or ideological conviction or any of these. (Art. 13) |
| Employment | (4) There shall be no discrimination with regard to remuneration and social security between men and women for the same work. (Art. 13) |
| Equal Before the Law | (1) Every woman shall have the right to reproductive health and other reproductive rights. (Art. 20) |
| Status of Religious/Customary Law | (2) No person shall be exploited in the name of custom, tradition and practice, or in any other way (Art. 29) |
| Status of International Law (including human rights law) | The State shall have the following responsibilities:... (m) to implement effectively international treaties and agreements to which the State is a party… (Responsibilities, Directive Principles and Policies of the State, Art. 33) |

| (9) Pātukā samāptimā ḍhēra or ḍhēriāliā ṣamān ḍa ḍhunē. |
| (18) kāmākā nāgī maḥilā or pūrvakā bījā pārīṣhṭāmāk and saṃsāṣāmuk sūrimāma ḍēmbāmā gārē. |
| (1) Maḥilā barrāko ṣhīkṣā, saṃsāṣāmuk rājānī ṭhānāvā ṣvābhāmā rājānī ṭhānāvā bājānāro niṛtī ra:jyaḥ abhāmnā ḍa ḍhunē. |
| (2) Rājya pāṣ:ḥā maḥilā sāmān kānunākkā ṭhānāvā ḍa ḍhunē. kālānīā pān kānunākkā sāmān ṭhānāvā ṭhānāvā ḍēmbāmā gārē. |
| (2) Sīvā saṃsāṣāmuk sāmān kānunākkā ṭhānāvā ḍa ḍhunē. maḥilā pān kānunākkā sāmān saṃsāṣāmuk saṃsāṣāmuk abhāmnā ḍēmbāmā gārē. |
| (2) Sīvā saṃsāṣāmuk sāmān kānunākkā ṭhānāvā ḍa ḍhunē. maḥilā pān kānunākkā sāmān saṃsāṣāmuk abhāmnā ḍēmbāmā gārē. |
| (2) Pāṣ:ḥā, pāṃprārā or pṛcẖanākā sāmān kānunākkā ṭhānāvā ḍa ḍhunē. kālānīā ḍa ḍhunē. |
| (2) Pāṣ:ḥā, pāṃprārā or pṛcẖanākā sāmān kānunākkā ṭhānāvā ḍa ḍhunē. kālānīā ḍa ḍhunē. |
| (2) Pāṣ:ḥā, pāṃprārā or pṛcẖanākā sāmān kānunākkā ṭhānāvā ḍa ḍhunē. kālānīā ḍa ḍhunē. |
| (2) Pāṣ:ḥā, pāṃprārā or pṛcẖanākā sāmān kānunākkā ṭhānāvā ḍa ḍhunē. kālānīā ḍa ḍhunē. |
| (2) Pāṣ:ḥā, pāṃprārā or pṛcẖanākā sāmān kānunākkā ṭhānāvā ḍa ḍhunē. kālānīā ḍa ḍhunē. |
Art. 35)

1. It shall be the duty of the National Human Rights Commission to ensure the respect, protection and promotion of human rights and their effective implementation.

2. In order to perform the duty pursuant to clause (1), the Commission may carry out the following functions — (g) recommend with reasons to the Government of Nepal that it become a party to any international treaties and agreements on human rights, if it is desirable to do so, and to monitor the implementation of the international treaties and agreements on human rights to which Nepal is a party and if found not to be implemented, forward recommendations to the Government of Nepal for effective implementation of such agreements… (Art. 132)

General Human Rights Guarantees

(1) It shall be the duty of the National Human Rights Commission to ensure the respect, protection and promotion of human rights and their effective implementation.

(2) In order to perform the duty pursuant to clause (1), the Commission may carry out the following functions — (g) recommend with reasons to the Government of Nepal that it become a party to any international treaties and agreements on human rights, if it is desirable to do so, and to monitor the implementation of the international treaties and agreements on human rights to which Nepal is a party and if found not to be implemented, forward recommendations to the Government of Nepal for effective implementation of such agreements… (Art. 132)

(2) It shall be the objective of the State to maintain law and order and peace, protect and promote human rights, promote public welfare in the society, and create opportunities for maximum participation of the people through self-governance, while maintaining a system where people can reap the benefits of democracy. (Responsibilities, Directive Principles and Policies of the State, Art. 34)
Constitution of The Islamic Republic of Pakistan 1973, as amended to 2012

<table>
<thead>
<tr>
<th>Urdu43</th>
<th>English44</th>
</tr>
</thead>
<tbody>
<tr>
<td>Equality</td>
<td>...Wherein the principles of democracy, freedom, equality, tolerance and social justice, as enunciated by Islam, shall be fully observed; ... (Preamble)</td>
</tr>
<tr>
<td>Non-Discrimination</td>
<td>...Wherein shall be guaranteed fundamental rights, including equality of status, of opportunity and before law, social, economic and political justice, and freedom of thought, expression, belief, faith, worship and association, subject to law and public morality… (Preamble)</td>
</tr>
</tbody>
</table>

43 Copy on file from HeinOnline World Constitutions Illustrated Library 2011. Note that this version is “As Amended to 2004” and represents the third revision of the constitution following The Constitution Seventeenth Amendment Act, 2004, and does not include amendments from The Constitution Eighteenth Amendment Act, 2010 (http://pakistanconstitutionlaw.com/18th-amendment-2010/) onwards. As The Constitution Eighteenth, Nineteenth, and Twentieth Amendment Acts are not available in Urdu, the differences between the current English version of the Constitution (and its Amendment Acts) and the most recently available Urdu version (of 2004) are identified through footnotes in this table. Accordingly the English text is the most up-to-date and should be referenced.

44 Available at: http://www.mohr.gov.pk/constitution.pdf (as amended by The Constitution Nineteenth Amendment Act 2011) and see also http://www.pakistanconstitutionlaw.com/ (for The Constitution Twentieth Amendment Act 2012, available at: http://pakistanconstitutionlaw.com/20th-amendment-2012/) (last visited May 5, 2012). According to Article 251: “(1) The National language of Pakistan is Urdu, and arrangements shall be made for its being used for official and other purposes within fifteen years from the commencing day. (2) Subject to clause (1), the English language may be used for official purposes until arrangements are made for its replacement by Urdu…” and the constitution is otherwise silent on its official language. English however seems to be the one predominantly used and as noted above is the most recent.

45 The word “alone” omitted after “sex” by section 8 of The Constitution Eighteenth Amendment Act 2010 (10 of 2010). These changes are not reflected in the Urdu text copied here.
Non-discrimination in respect of access to public places.- (1) In respect of access to places of public entertainment or resort, not intended for religious purposes only, there shall be no discrimination against any citizen on the ground only of race, religion, caste, sex, residence, or place of birth.

(2) Nothing in clause (1) shall prevent the State from making any special provision for women and children.

(Art. 26)

Gender and number.- (1) In the Constitution, -(a) words importing the masculine gender shall be taken to include females,… (Art. 263)

Promotion of social and economic well-being of the people.—The State shall—

(a) secure the well-being of the people, irrespective of sex, caste, creed or race, by raising their standard of living, by preventing the concentration of wealth and means of production and distribution in the hands of a few to the detriment of general interest and by ensuring equitable adjustment of rights between employers and employees, and landlords and tenants;

…

(d) provide basic necessities of life, such as food, clothing, housing, education and medical relief, for all such citizens, irrespective of sex, caste, creed or race, as are permanently or temporarily unable to earn their livelihood on account of infirmity, sickness or unemployment;… (Principles of Policy, 46 Art. 38)

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46 According to Art. 29: “Principles of Policy.—(1) The Principles set out in this Chapter shall be known as the Principles of Policy, and it is the responsibility of each organ and authority of the State, and of each person performing functions on behalf of an organ or authority of the State, to act in accordance with those Principles in so far as they relate to the functions of the organ or authority. (2) In so far as the observance of any particular Principle of Policy may be dependent upon resources being available for the purpose, the Principle shall be regarded as being subject to the availability of resources…” and Art. 30: “Responsibility with respect to Principles of Policy.—(1) The responsibility of deciding whether any action of an organ or authority of the State, or of a person performing functions on behalf of an organ or authority of the State, is in accordance with the Principles of Policy is that of the organ or authority of the State, or of the person concerned. (2) The validity of an action or of a law shall not be called in question on the ground that it is not in accordance with the Principles of Policy, and no action shall lie against the State, any organ or authority of the State or any person on such ground.” Urdu translation of these articles are provided below:
<table>
<thead>
<tr>
<th>Political Participation &amp; Freedom of Association</th>
</tr>
</thead>
<tbody>
<tr>
<td>Promotion of local Government institutions. – The State shall encourage local Government institutions composed of elected representatives of the areas concerned and in such institutions special representation will be given to peasants, workers and women. (Principles of Policy, Art. 32)</td>
</tr>
<tr>
<td>Full participation of women in national life.—Steps shall be taken to ensure full participation of women in all spheres of national life. (Principles of Policy, Art. 34)</td>
</tr>
</tbody>
</table>
(1) There shall be three hundred and forty-two seats for members in the National Assembly, including seats reserved for women and non-Muslims.

(2) A person shall be entitled to vote if—
(a) he is a citizen of Pakistan;
(b) he is not less than eighteen years of age;
(c) his name appears on the electoral roll; and
(d) he is not declared by a competent court to be unsound mind.

(3) The seats in the National Assembly referred to in clause (1), except as provided in clause (4), shall be allocated to each Province, the Federally Administered Tribal Areas and the Federal Capital as under:

<table>
<thead>
<tr>
<th>Province</th>
<th>General Seats</th>
<th>Women</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Balochistan</td>
<td>14</td>
<td>3</td>
<td>17</td>
</tr>
<tr>
<td>Khyber Pakhtunkhwa</td>
<td>35</td>
<td>8</td>
<td>43</td>
</tr>
<tr>
<td>Punjab</td>
<td>148</td>
<td>35</td>
<td>183</td>
</tr>
<tr>
<td>Sindh</td>
<td>61</td>
<td>14</td>
<td>75</td>
</tr>
<tr>
<td>Federally Administered Tribal Areas</td>
<td>12</td>
<td>--</td>
<td>12</td>
</tr>
<tr>
<td>Federal Capital</td>
<td>2</td>
<td>--</td>
<td>2</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>272</strong></td>
<td><strong>60</strong></td>
<td><strong>332</strong></td>
</tr>
</tbody>
</table>

(4) In addition to the number of seats referred to in clause (3), there shall be, in the National Assembly, ten seats reserved for non-Muslims.

(5) The seats in the National Assembly shall be allocated to each Province, the Federally Administered Tribal Areas and the Federal Capital on the basis of population in accordance with the last preceding census officially published.

(6) For the purpose of election to the National Assembly,—
(a) the constituencies for the general seats shall be single member territorial constituencies and the members to fill such seats shall be elected by direct and free vote in accordance with law;
(b) each Province shall be a single constituency for all seats reserved for women which are allocated to the respective Provinces under clause (3);
(c) the constituency for all seats reserved for non-Muslims shall be the whole country;
(d) members to the seats reserved for women which are allocated to a Province under clause (3) shall be elected in accordance with law through proportional representation system of political parties’ lists of candidates on the basis of total number of general seats secured by each political party from the Province concerned in the National Assembly:

Provided that for the purpose of this paragraph the total number of general seats won by a political party shall include the independent returned candidate or candidates who may duly join such political party within three days of the publication in the official Gazette of the names of the returned candidates; and
e) members to the seats reserved for non-Muslims shall be elected in accordance with law through proportional representation system of political parties’ lists of candidates on the basis of total number of general seats won by each political party in the National Assembly:

Provided that for the purpose of this paragraph the total number of general seats won by a political party shall include the independent returned candidate or candidates who may duly join such political party within three days of the publication in the official Gazette of the names of the returned candidates.

(Art. 51)\(^7\)

\(^7\) Substituted by Section 16 of the The Constitution Eighteenth Amendment Act 2010 (10 of 2010) for Art. 51. These changes are not reflected in the Urdu text copied here.
The Senate.---(1) The Senate shall consist of one-hundred and four members, of whom,
(a) fourteen shall be elected by the members of each Provincial Assembly;
(b) eight shall be elected from the Federally Administered Tribal Areas, in such manner as the President may, by
Order, prescribe;
(c) two on general seats, and one woman and one technocrat including aalim shall be elected from the Federal
Capital in such manner as the President may, by Order, prescribe;
(d) four women shall be elected by the members of each Provincial Assembly;
(e) four technocrats including ulema shall be elected by the members of each Provincial Assembly; and
(f) four non-Muslims, one from each Province, shall be elected by the members of each Provincial Assembly:
Provided that paragraph (f) shall be effective from the next Senate election after the commencement of the
(2) Election to fill seats in the Senate allocated to each Province shall be held in accordance with the system of
proportional representation by means of the single transferable vote.
(3) The Senate shall not be subject to dissolution but the term of its members, who shall retire as follows, shall
be six years:
(a) of the members referred to in paragraph (a) of clause (1), seven shall retire after the expiration of the first
three years and seven shall retire after the expiration of the next three years;
(b) of the members referred to in paragraph (b) of the aforesaid clause, four shall retire after the expiration of
the first three years and four shall retire after the expiration of the next three years;
(c) of the members referred to in paragraph (c) of the aforesaid clause,
(i) one elected on general seat shall retire after the expiration of the first three years and the other one shall retire
after the expiration of the next three years; and
(ii) one elected on the seat reserved for technocrat shall retire after first three years and the one elected on the
seat reserved for women shall retire after the expiration of the next three years;
(d) of the members referred to in paragraph (d) of the aforesaid clause, two shall retire after the expiration of the
first three years and two shall retire after the expiration of the next three years;
(e) of the members referred to in paragraph (e) of the aforesaid clause, two shall retire after the expiration of the
first three years and two shall retire after the expiration of the next three years; and
(f) of the members referred to in paragraph (f) of the aforesaid clause, two shall retire after the expiration of first
three years and two shall retire after the expiration of next three years:
Provided that the Election Commission for the first term of seats for non-Muslims shall draw a lot as to which
two members shall retire after the first three years.
(4) The term of office of a person elected to fill a casual vacancy shall be the unexpired term of the member
whose vacancy he has filled.
(Art. 59)\(^{68}\)

\(^{68}\) Substituted by Section 18 of the Constitution Eighteenth Amendment Act 2010 (10 of 2010) for Art. 59. These changes are not reflected in the Urdu text copied here.
Qualifications for membership of Majlis-e-Shoora (Parliament).

1. A person shall not be qualified to be elected or chosen as a member of Majlis-e-Shoora (Parliament) unless:

   a. He is a citizen of Pakistan;
   b. He is, in the case of the National Assembly, not less than twenty-five years of age and is enrolled as a voter in any electoral roll in—
      i. Any part of Pakistan, for election to a general seat or a seat reserved for a non-Muslims; and
      ii. Any area in a Province from which she seeks membership for election to a seat reserved for women.
   c. He is, in the case of the Senate, not less than thirty years of age and is enrolled as a voter in any area in a Province or, as the case may be, the Federal Capital or the Federally Administered Tribal Areas, from where he seeks membership;
   d. He is of good character and is not commonly known as one who violates Islamic Injunctions;
   e. He has adequate knowledge of Islamic teachings and practices obligatory duties prescribed by Islam as well as abstains from major sins;
   f. He is sagacious, righteous, non-profligate, honest and ameen, there being no declaration to the contrary by a court of law; and
   g. He has not, after the establishment of Pakistan, worked against the integrity of the country or opposed the ideology of Pakistan.

2. The disqualifications specified in paragraphs (d) and (e) shall not apply to a person who is a non-Muslim, but such a person shall have good moral reputation. (Art. 62)
Constitution of Provincial Assemblies.—(1) Each Provincial Assembly shall consist of general seats and seats reserved for women and non-Muslims as specified herein below:—

<table>
<thead>
<tr>
<th>Province</th>
<th>General Seats</th>
<th>Women</th>
<th>Non-Muslims</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Baluchistan</td>
<td>51</td>
<td>11</td>
<td>3</td>
<td>65</td>
</tr>
<tr>
<td>Khyber Pakhtun</td>
<td>99</td>
<td>22</td>
<td>3</td>
<td>124</td>
</tr>
<tr>
<td>The Punjab</td>
<td>297</td>
<td>66</td>
<td>8</td>
<td>371</td>
</tr>
<tr>
<td>Sindh</td>
<td>130</td>
<td>29</td>
<td>9</td>
<td>168</td>
</tr>
</tbody>
</table>

(2) A person shall be entitled to vote if—

(a) he is a citizen of Pakistan;
(b) he is not less than eighteen years of age;
(c) his name appears on the electoral roll for any area in the Province; and
(d) he is not declared by a competent court to be of unsound mind.

(3) For the purpose of election to a Provincial Assembly,—

(a) the constituencies for the general seats shall be single member territorial constituencies and the members to fill such seats shall be elected by direct and free vote;
(b) each Province shall be a single constituency for all seats reserved for women and non-Muslims allocated to the respective Provinces under clause (1);
(c) the members to fill seats reserved for women and non-Muslims allocated to a Province under clause (1) shall be elected in accordance with law through proportional representation system of political parties’ lists of candidates on the basis of the total number of general seats secured by each political party in the Provincial Assembly;

Provided that for the purpose of this sub-clause, the total number of general seats won by a political party shall include the independent returned candidate or candidates who may duly join such political party within three days of the publication in the official Gazette of the names of the returned candidates. (Art. 106)

Substituted by Section 36 of The Constitution Eighteenth Amendment Act 2010 (10 of 2010) for Art. 106. These changes are not reflected in the Urdu text copied here.
When a seat reserved for women or non-Muslims in the National Assembly or a Provincial Assembly falls vacant, on account of death, resignation or disqualification of a member, it shall be filled by the next person in order of precedence from the party list of the candidates to be submitted to the Election Commission by the political party whose member has vacated such seat; Provided that if at any time the party list is exhausted, the concerned political party may submit a name for any vacancy which may occur thereafter. (Art. 224)

<table>
<thead>
<tr>
<th>Education</th>
</tr>
</thead>
<tbody>
<tr>
<td>Promotion of social justice and eradication of social evils. The State shall… (c) make technical and professional education generally available and higher education equally accessible to all on the basis of merit; (Principles of Policy, Art. 37)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Employment</th>
</tr>
</thead>
<tbody>
<tr>
<td>safeguard against discrimination in services— (1) No citizen otherwise qualified for appointment in the service of Pakistan shall be discriminated against in respect of any such appointment on the ground only of race, religion, caste, sex, residence or place of birth: Provided that, for a period not exceeding forty years from the commencing day, posts may be reserved for persons belonging to any class or area to secure their adequate representation in the service of Pakistan: Provided further that, in the interest of the said service, specified posts or services may be reserved for members of either sex if such posts or services entail the performance of duties and functions which cannot be adequately performed by members of the other sex; Provided also that under-representation of any class or area in the service of Pakistan may be redressed in such manner as may be determined by an Act of Majlis-e-Shoora (Parliament) (Art. 27)</td>
</tr>
</tbody>
</table>

51 New clause (6) inserted by The Constitution Eighteenth Amendment Act 2010 (10 of 2010). Clause (7) was omitted by the same Act. These changes are not reflected in the Urdu text copied here.

52 Pursuant to Section 8(b) of The Constitution Twentieth Amendment Act 2012: “in clause (6), for the full stop, at the end, a colon shall be substituted and thereafter the following proviso shall be added, namely: ‘Provided that if at any time the party list is exhausted, the concerned political party may submit a name for any vacancy which may occur thereafter.’” These changes are not reflected in the Urdu text copied here.

53 Pursuant to Section 10 of The Constitution Eighteenth Amendment Act 2010 (10 of 2010) the text “Provided also that under-representation of any class or area in the service of Pakistan may be redressed in such manner as may be determined by an Act of Majlis-e-Shoora (Parliament)” is inserted.
<table>
<thead>
<tr>
<th>Equal Before the Law</th>
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</thead>
</table>
| Promotion of social justice and eradication of social evils. The State shall—
| (e) make provision for securing just and humane conditions of work, ensuring that children and women are not employed in vocations unsuited to their age or sex, and for maternity benefits for women in employment; (Principles of Policy, Art. 37) |

<table>
<thead>
<tr>
<th>Equality of citizens</th>
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</thead>
<tbody>
<tr>
<td>(1) All citizens are equal before law and are entitled to equal protection of law. (2) There shall be no discrimination on the basis of sex. (3) Nothing in this Article shall prevent the State from making any special provision for the protection of women and children. (Art. 25)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Marriage &amp; Family Life</th>
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</thead>
<tbody>
<tr>
<td>Protection of family etc.—The State shall protect the marriage, the family, the mother and the child. (Principles of Policy, Art. 35)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Status of Religious/Custody Law</th>
</tr>
</thead>
<tbody>
<tr>
<td>...Wherein the principles of democracy, freedom, equality, tolerance and social justice as enunciated by Islam shall be fully observed; ... (Preamble)</td>
</tr>
</tbody>
</table>

| ...Wherein the Muslims shall be enabled to order their lives in the individual and collective spheres in accordance with the teachings and requirements of Islam as set-out in the Holy Quran and the Sunnah ... (Preamble) |

| Islam to be State religion. Islam shall be the State religion of Pakistan. (Art. 2) |
Islamic way of life.—(1) Steps shall be taken to enable the Muslims of Pakistan, individually and collectively, to order their lives in accordance with the fundamental principles and basic concepts of Islam and to provide facilities whereby they may be enabled to understand the meaning of life according to the Holy Quran and Sunnah.

(2) The State shall endeavour, as respects the Muslims of Pakistan,—

(a) to make the teaching of the Holy Quran and Islamiat compulsory, to encourage and facilitate the learning of Arabic language and to secure correct and exact printing and publishing of the Holy Quran;

(b) to promote unity and the observance of the Islamic moral standards; and

(c) to secure the proper organisation of zakat, jizya, amelry, and mosques

(Principles of Policy, Art. 31)

Provisions of Chapter to override other provisions of Constitution.—The provisions of this Chapter shall have effect notwithstanding anything contained in the Constitution. (Art. 203A)

The Federal Shariat Court.—(1) There shall be constituted for the purposes of this Chapter a court to be called the Federal Shariat Court. (Art. 203C)
Powers, jurisdiction and functions of the Court.—(1) The Court may, either of its own motion or on the petition of a citizen of Pakistan or the Federal Government or a Provincial Government, examine and decide the question whether or not any law or provision of law is repugnant to the Injunctions of Islam, as laid down in the Holy Quran and the Sunnah of the Holy Prophet, hereinafter referred to as the Injunctions of Islam.

(1A) Where the Court takes up the examination of any law or provision of law under clause (1) and such law or provision of law appears to it to be repugnant to the Injunctions of Islam, the Court shall cause to be given to the Federal Government in the case of a law with respect to a matter in the Federal Legislative List or to the Provincial Government in the case of a law with respect to a matter not enumerated in the Federal Legislative List, a notice specifying the particular provisions that appear to it to be so repugnant, and afford to such Government adequate opportunity to have its point of view placed before the Court.

(2) If the Court decides that any law or provision of law is repugnant to the Injunctions of Islam, it shall set out in its decision—

(a) the reasons for its holding that opinion; and

(b) the extent to which such law or provision is so repugnant;

and specify the day on which the decision shall take effect:

Provided that no such decision shall be deemed to take effect before the expiration of the period within which an appeal therefrom may be preferred to the Supreme Court or, where an appeal has been so preferred, before the disposal of such appeal.

(3) If any law or provision of law is held by the Court to be repugnant to the Injunctions of Islam,—

(a) the President in the case of a law with respect to a matter in the Federal Legislative List or the Governor in the case of a law with respect to a matter not enumerated in said List, shall take steps to amend the law so as to bring such law or provision into conformity with the Injunctions of Islam; and

(b) such law or provision shall, to the extent to which it is held to be so repugnant, cease to have effect on the day on which the decision of the Court takes effect.

(Art. 203D)
(1) The Court may call for and examine the record of any case decided by any criminal court under any law relating to the enforcement of Hudood for the purpose of satisfying itself as to the correctness, legality or propriety of any finding, sentence or order recorded or passed by, and as to the regularity of any proceedings of, such court and may, when calling for such record, direct that the execution of any sentence be suspended and, if the accused is in confinement, that he be released on bail or on his own bond pending the examination of the record.

(2) In any case the record of which has been called for by the Court, the Court may pass such order as it may deem fit and may enhance the sentence:

Provided that nothing in this article shall be deemed to authorise the Court to convert a finding of acquittal into one of conviction and no order under this Article shall be made to the prejudice of the accused unless he has had an opportunity of being heard in his own defence.

(3) The Court shall have such other jurisdiction as may be conferred on it by or under any law. (Art. 203DD)

Bar of Jurisdiction.—Save as provided in Article 203F, no court or tribunal, including the Supreme Court and a High Court, shall entertain any proceedings or exercise any power or jurisdiction in respect of any matter within the power or jurisdiction of the Court. (203G)
Provisions relating to the Holy Quran and Sunnah.—(1) All existing laws shall be brought in conformity with the Injunctions of Islam as laid down in the Holy Quran and Sunnah, in this part referred to as the Injunctions of Islam, and no law shall be enacted which is repugnant to such Injunctions. Explanation.—In the application of this clause to the personal law of any Muslim sect, the expression “Quran and Sunnah” shall mean the Quran and Sunnah as interpreted by that sect.

(2) Effect shall be given to the provisions of clause (1) only in the manner provided in this Part.

(3) Nothing in this Part shall affect the personal laws of non-Muslim citizens or their status as citizens. (Art. 227)

Composition, etc., of Islamic Council—(1) There shall be, constituted with a period of ninety days from the commencing day a Council of Islamic ideology, in this part referred to as the Islamic Council.

(2) The Islamic Council shall consist of such members, being not less than eight and not more than twenty as the President may appoint from amongst persons having knowledge of the principles and philosophy of Islam as enunciated in the Holy Quran and Sunnah, or understanding of the economic, political, legal or administrative problems of Pakistan.

(3) While appointing members of the Islamic Council the President shall ensure that—
(a) so far as practicable various schools of thought are represented in the Council;
(b) not less than two of the members are persons each of whom is, or has been a Judge of the Supreme Court or of a High Court;
(c) not less than one-third of the members are persons each of whom has been engaged, for a period of not less than fifteen years, in Islamic research or instruction; and
(d) at least one member is a woman… (Art. 228)

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60 “One-third” substituted for “four” pursuant to section 85 of The Constitution Eighteenth Amendment Act 2010 (10 of 2010). These changes are not reflected in the Urdu text copied here.
<table>
<thead>
<tr>
<th>Constitution of the Republic of the Philippines 1987</th>
<th>Filipino61</th>
<th>English62</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Rights of Women</strong></td>
<td>SEKSYON 14.  Kinikilala ang Estado ang tungkulin ng mga kababaihan sa pagbuo ng bansa at dapat seguruhin ang saligang pagkakapantay-pantay ng kababaihan at kalakahian. (Pahayag Ng Mga Simulain At Mga Patakaran Ng Estada)</td>
<td>Section 14. The State recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men. (Art. II)63</td>
</tr>
<tr>
<td><strong>Public Authorities, Institutions &amp; Services</strong></td>
<td>SEKSYON 1.  Dapat pag-ukulan ng Kongreso ng pinakamataas na priority ang pagpasasabatas ng mga hakbangin na mangangalaga at magpapatigkad sa karapatan ng lahat ng mga mamamayan sa dignidad na pantao, magbabawas sa mga di pagkakapantay-pantay na panlipunan, panglabuhan, at pamplulitinika, at papawi sa mga di pagkakapantay-pantay na pagkalinangan, at pagpapalaganap na kayamanan at kapangyarihang pamplulitinika para sa kabutihan ng lahat.</td>
<td>Section 1. The Congress shall give highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic, and political inequalities, and remove cultural inequities by equitably diffusing wealth and political power for the common good. To this end, the State shall regulate the acquisition, ownership, use, and disposition of property and its increments…</td>
</tr>
<tr>
<td><strong>Political Participation &amp; Freedom of Association</strong></td>
<td>SEKSYON 11.  Dapat magsagawa ang Estado ng pinag-iisa at komprehensibong lapit sa pagpapaunlad ng kalusugan na magbabawas sa mga pangangailangan ng lahat ng mga mamamayan.</td>
<td>Section 11. The State shall adopt an integrated and comprehensive approach to health development which shall endeavor to make essential goods, health and other social services available to all the people at affordable cost. There shall be priority for the needs of the under-privileged, sick, elderly, disabled, women, and children. The State shall endeavor to provide free medical care to paupers. (Art. XIII)</td>
</tr>
</tbody>
</table>

62 Available at: http://www.gov.ph/the-philippine-constitutions/the-1987-constitution-of-the-republic-of-the-philippines/ (last visited May 5, 2012). Note that this is the version published in The Official Gazette and according to Art. XIV, Section 8: “This Constitution shall be promulgated in Filipino and English and shall be translated into major regional languages, Arabic, and Spanish.”
| Citizenship & Nationality | Section 1. The following are citizens of the Philippines:
[1] Those who are citizens of the Philippines at the time of the adoption of this Constitution;
[2] Those whose fathers or mothers are citizens of the Philippines;
[3] Those born before January 17, 1973, of Filipino mothers, who elect Philippine citizenship upon reaching the age of majority; and
[4] Those who are naturalized in accordance with law. (Article IV) |
<p>| Education | Section 18. (1) The State shall ensure equal access to cultural opportunities through the educational system, public or private cultural entities, scholarships, grants and other incentives, and community cultural centers, and other public venues. (Art. XIV) |
| Employment | Section 26. The State shall guarantee equal access to opportunities for public service and prohibit political dynasties as may be defined by law. (Art. II) |
| Equal Before the Law | Section 14. The State recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men. (Art. II) |</p>
<table>
<thead>
<tr>
<th>Status of Religious/Customary Law</th>
<th>SEKSYON 6. Hindi dapat labagin ang pagkakahiwalay ng Simbahan at ng Estado. (Pahayag Ng Mga Simulain At Mga Patakaran Ng Estado)</th>
<th>Section 6. The separation of Church and State shall be inviolable. (Art. II)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marriage &amp; Family Life</td>
<td>SEKSYON 12. Kinikilala ng Estado ang kabahanan ng buhay pampamilya at dapat pangalagaan at patatagin ang pamilya bilang isang saligang institusyon ng lipunan. Dapat nitong pangalagaan kapwa ang buhay ng ina at ang buhay ng sanggol sa sinapupunan mula sa paglilihi. Ang likas at pangunahing karapatan at tungkulin ng mga magulang sa pagmumulaat ng kabataan para sa kahusayan sibiko at pagpapauadlad ng karakter na moral ay dapat tumanggap ng tangkilik ng Pamahalaan. (Pahayag Ng Mga Simulain At Mga Patakaran Ng Estado)</td>
<td>Section 12. The State recognizes the sanctity of family life and shall protect and strengthen the family as a basic autonomous social institution. It shall equally protect the life of the mother and the life of the unborn from conception. The natural and primary right and duty of parents in the rearing of the youth for civic efficiency and the development of moral character shall receive the support of the Government. (Art. II)</td>
</tr>
<tr>
<td></td>
<td>SEKSYON 14. Dapat pangalagaan ng Estado ang mga kababaihang nagtatrabaho sa pagpatatagbaha sa pagpatatagbaha, nagsasalang-alang ng kanilang mga gawain bilang ina, at ng mga kaluwagan at mga pagkakataon na nagpapatingkad sa kanilang ikagagaling at ikagginhawa upang matamo ang kanilang ganap na potensyal sa paglilingkod. (Art. XIII)</td>
<td>Section 14. The State shall protect working women by providing safe and healthful working conditions, taking into account their maternal functions, and such facilities and opportunities that will enhance their welfare and enable them to realize their full potential in the service of the nation. (Art. XIII)</td>
</tr>
<tr>
<td></td>
<td>SEKSYON 1. Kinikilala ng Estado ang pamilyang Pilipino na pundasyon ng bansa. Sa gayon, dapat nitong patatagin ang kaisahan ng pamilyang Pilipino at aktibong itago od ang lubos na pag-unlad nito. SEKSYON 2. Ang pag-asawa, na di malalabag ng institusyon panglipunan, ay pundasyon ng pamilya at dapat pangalagaan ng Estado. SEKSYON 3. Dapat isanggalang ng Estado: (1) Ang karapatan ng mga mag-asawa na magpamilya nang naaayon sa kanilang pananalig na panrelihiyon at sa mga kinakailangan ng responsable pagpapamahala; (2) Ang karapatan ng mga bata na magbigay ng kalinga, kasama ang ang wastong pagkakataon at nutrisyon at natating panghegeseyon sa lahat ng mga anyo ng pagpapahayag, pagbasa, pagpapatuwa, pagpasadyang kahusayan, pananalig at iba pang kondisyong nakakapinsala sa kanilang pag-unlad; (3) Ang karapatan ng pamilya sa pagtanggap ng panalo ng mga pamilya sa pagkakataon ng mga pamilya na maaaring mabigyang ring gawin ito ng Estado sa pamamagitan ng mga patakaran at mga programa na makatutulungan sa kanila. SEKSYON 4. Ang pamilya ay tungkuling mananatili ang kanilang kahusayan at pag-unlad.</td>
<td>Section 1. The State recognizes the Filipino family as the foundation of the nation. Accordingly, it shall strengthen its solidarity and actively promote its total development. Section 2. Marriage, as an inviolable social institution, is the foundation of the family and shall be protected by the State. Section 3. The State shall defend: (1) The right of spouses to found a family in accordance with their religious convictions and the demands of responsible parenthood; (2) The right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development; (3) The right of the family to a family living wage and income; and (4) The right of families or family associations to participate in the planning and implementation of policies and programs that affect them. Section 4. The family has the duty to care for its elderly members but the State may also do so through just programs of social security. (Art. XV)</td>
</tr>
<tr>
<td>Status of Religious/Customary Law</td>
<td>SEKSYON 15. Dapat lumikha ng mga rehiyong autonomous sa Muslim Mindanao at sa mga Cordillera na binubuo ng mga lalawigan, mga lungsod, at mga bayan, at mga lawak heograpiko na may panlabah at namumukod na manang kasaysayan at kalinangan, mga instrukturang pangkabuhayan at panlipunan at iba pang nauugnay na</td>
<td>Section 15. There shall be created autonomous regions in Muslim Mindanao and in the Cordilleras consisting of provinces, cities, municipalities, and geographical areas sharing common and distinctive historical and cultural heritage, economic and social structures, and other relevant characteristics within the framework of</td>
</tr>
</tbody>
</table>
**SEKSYON 18.** The Commission on Human Rights shall have the following powers

<table>
<thead>
<tr>
<th>Status of International Law (including human rights law)</th>
</tr>
</thead>
</table>

**SEKSYON 18.** Dapat magkaroon ang Komisyong sa Mga Karapatan Pambansa ng mga katangian alinsunod sa balangkas ng Konstitusyon ito, at ng kataaas-taasang kapangyarihan ng bansa ayon gayon din ang karangalan teritoryal ng Republika ng Pilipinas…

**SEKSYON 18.** The Congress shall enact an organic act for each autonomous region with the assistance and participation of the regional consultative commission composed of representatives appointed by the President from a list of nominees from multi-sectoral bodies. The organic act shall define the basic structure of government for the region consisting of the executive department and legislative assembly, both of which shall be elective and representative of the constituent political units. The organic acts shall likewise provide for special courts with personal, family, and property law jurisdiction consistent with the provisions of this Constitution and national laws…

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**Section 20.** Within its territorial jurisdiction and subject to the provisions of this Constitution and national laws, the organic act of autonomous regions shall provide for legislative powers over: … (4) Personal, family, and property relations; …

(Art. X)

**SEKSYON 5.** The State shall defend:

<table>
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<tr>
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**SEKSYON 3.** Dapat isanggalang ng Estado:

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<tr>
<th>Status of International Law (including human rights law)</th>
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**SEKSYON 5.** The State, subject to the provisions of this Constitution and national development policies and programs, shall protect the rights of indigenous cultural communities to their ancestral lands to ensure their economic, social, and cultural well-being. The Congress may provide for the applicability of customary laws governing property rights or relations in determining the ownership and extent of ancestral domain. (Art. XII)

**Section 5.** The State, subject to the provisions of this Constitution and national development policies and programs, shall protect the rights of indigenous cultural communities to their ancestral lands to ensure their economic, social, and cultural well-being. The Congress may provide for the applicability of customary laws governing property rights or relations in determining the ownership and extent of ancestral domain. (Art. XII)

**Section 3.** The State shall defend:

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</table>

**SEKSYON 2.** Itinakwil ng Pilipinas ang digmaan bilang kasangkapan ng patakarang pambansa, tinatanggap bilang bahagi ng bansa ng mga simunul na batas internasyonal nakikilala ng lahat at umaayon sa patakarang ng laya, nagpap=_tongch_ sa mga karapatan o mga ugnayan sa ariarian sa pagtiyak sa pagmamay-ari ng minanang lupain. (Art. XV)

**Section 2.** The Philippines renounces war as an instrument of national policy, adopts the generally accepted principles of international law as part of the law of the land and adheres to the policy of peace, equality, justice, freedom, cooperation, and amity with all nations. (Art. II)

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(Art. X)
<table>
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<tr>
<th>General Human Rights Guarantees</th>
<th>SEKSYON 11. Pinahahalagahan ng Estado ang karangalan ng bawat tao at ginagarantyahan ang lubos na paggalang sa mga karapatang pantao. (Pahayag Ng mga Simulain At Mga Patakaran Ng Estada)</th>
</tr>
</thead>
<tbody>
<tr>
<td>sumusunod na mga kapangyarihan at mga gawain: … (7) Subbaybayan ang pagtalima ng Pamahalaan ng Pilipinas sa mga pananagutan sa pandaigdig na kasunduang-bansa hinggil sa mga karapatang pantao; … (Art. XIII)</td>
<td>and functions:…(7) Monitor the Philippine Government’s compliance with international treaty obligations on human rights;… (Art. XIII)</td>
</tr>
<tr>
<td>Section 11. The State values the dignity of every human person and guarantees full respect for human rights. (Art. II)</td>
<td></td>
</tr>
</tbody>
</table>
### Non-Discrimination

(2) Except as expressly authorised by this Constitution, there shall be no discrimination against citizens of Singapore on the ground only of religion, race, descent or place of birth in any law or in the appointment to any office or employment under a public authority or in the administration of any law relating to the acquisition, holding or disposition of property or the establishing or carrying on of any trade, business, profession, vocation or employment.

(3) This Article does not invalidate or prohibit —

(a) any provision regulating personal law; or
(b) any provision or practice restricting office or employment connected with the affairs of any religion, or of an institution managed by a group professing any religion, to persons professing that religion.

### Citizenship & Nationality

(1) Subject to this Article, every person born in Singapore after 16th September 1963 shall be a citizen of Singapore by birth.

(2) A person shall not be a citizen of Singapore by virtue of clause (1) if at the time of his birth —

(a) his father, not being a citizen of Singapore, possessed such immunity from suit and legal process as is accorded to an envoy of a sovereign power accredited to the President;
(b) his father was an enemy alien and the birth occurred in a place then under the occupation of the enemy; or
(c) neither of his parents was a citizen of Singapore.

(3) Notwithstanding clause (2)(c), the Government may, where it considers it just and fair and having regard to all the circumstances prevailing at the time of the application, confer citizenship upon a person born in Singapore. (Art. 121)

(1) Subject to clauses (2) and (3), a person born outside Singapore after 16th September 1963 shall be a citizen of Singapore by descent if, at the time of his birth —

(a) where the person is born before the date of commencement of section 7 of the Constitution of the Republic of Singapore (Amendment) Act 2004, his father is a citizen of Singapore, by birth or registration; and
(b) where the person is born on or after the date of commencement of section 7 of the Constitution of the Republic of Singapore (Amendment) Act 2004, either his father or mother is a citizen of Singapore, by birth, registration or descent.

(2) A person born outside Singapore shall not be a citizen of Singapore by descent by virtue of clause (1) unless —

(a) his birth is registered in the prescribed manner at the Registry of Citizens or at a diplomatic or consular mission of Singapore within one year, or such longer period as the Government permits, after its occurrence; and
(b) he would not acquire the citizenship of the country in which he was born by reason of his birth in that country where —

(i) in the case of a person born before the date of commencement of section 7 of the Constitution of the Republic of Singapore (Amendment) Act 2004, his father is a citizen of Singapore by registration at the time of his birth; or
(ii) in the case of a person born on or after the date of commencement of section 7 of the Constitution of the Republic of Singapore (Amendment) Act 2004, either his father or mother is a citizen of Singapore by registration at the time of his birth... (Art. 122)

(1) Subject to the provisions of this Constitution, any person resident in Singapore of or over the age of 21 years may, on application being made therefor in the prescribed form, be registered as a citizen of Singapore if he satisfies the Government that he —

(a) is of good character;
(b) has resided in Singapore throughout the 12 months immediately preceding the date of his application; and
(c) has during the 12 years immediately preceding the date of his application resided in Singapore for periods amounting in the aggregate to not less than 10 years: Provided that the Government may exempt any applicant from compliance with this paragraph —

(i) where such applicant has during the 6 years immediately preceding the date of his application resided in Singapore for periods amounting in the aggregate to not less than 5 years; or
(ii) where in any special case the Government considers fit to confer citizenship upon such applicant;

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64 Available at: [http://statutes.agc.gov.sg/aol/browse/otherResults.w3p(letter=Constitutional%20Documents;type=actsAll](http://statutes.agc.gov.sg/aol/browse/otherResults.w3p(letter=Constitutional%20Documents;type=actsAll) last visited May 5, 2012).
(d) intends to reside permanently in Singapore; and  
(e) has an elementary knowledge of one of the following languages, namely, Malay, English, Mandarin and Tamil:  
Provided that the Government may exempt an applicant who has attained the age of 45 years or who is deaf or dumb from compliance with this paragraph.  
(2) Subject to the provisions of this Constitution, any woman who is married to a citizen of Singapore may, on making application therefor in the prescribed manner, be registered as a citizen of Singapore if she satisfies the Government —  
(a) that she has resided continuously in Singapore for a period of not less than 2 years immediately preceding the date of the application;  
(b) that she intends to reside permanently in Singapore; and  
(c) that she is of good character. (Art. 123)

(1) Any citizen of Singapore of or over the age of 21 years and of sound mind who is also or is about to become a citizen of another country may renounce his citizenship of Singapore by declaration registered by the Government, and shall upon such registration cease to be a citizen of Singapore.  
(2) The Government may withhold the registration of a declaration under this Article —  
(a) if the declaration is made during any war in which Singapore is engaged; or  
(b) if the declaration is made by a person subject to the Enlistment Act (Cap. 93) unless he has —  
(i) discharged his liability for full-time service under section 12 of that Act;  
(ii) rendered at least 3 years of operationally ready national service under section 13 of that Act in lieu of such full-time service; or  
(iii) complied with such conditions as may be determined by the Government.  
(3) This Article applies to a woman under the age of 21 years who has been married as it applies to a person of or over that age. (Art. 128)

(6) The Government may, by order, deprive of her citizenship any woman who is a citizen of Singapore by registration under Article 123(2) if the Government is satisfied that the marriage by virtue of which she was registered has been dissolved, otherwise than by death, within the period of 2 years beginning with the date of the marriage. (Art. 129)

(1) The Government may, by order, deprive a citizen of Singapore of his citizenship if the Government is satisfied that —  
(a) he has, while of or over the age of 18 years, at any time after 6th April 1960 acquired by registration, naturalisation or other voluntary and formal act (other than marriage) the citizenship of any country outside Singapore or having so acquired such citizenship before the age of 18 years continues to retain it after that age; or  
(b) the citizen, being a woman who is a citizen of Singapore by registration under Article 123(2), has acquired the citizenship of any country outside Singapore by virtue of her marriage to a person who is not a citizen of Singapore. (Art. 134)

6. Any notice to be given by the Minister to any person under Article 133(1) may be sent to that person at his last known address or, in the case of a person under the age of 18 years (not being a married woman) to his parent or guardian at the last known address of the parent or guardian; and if an address at which the notice may be sent to any person under this paragraph is not known and cannot after reasonable inquiry be ascertained, the notice may be given by publication in the Gazette. (Third Schedule (Art. 40))

Education

(1) Without prejudice to the generality of Article 12 [Equal Protection], there shall be no discrimination against any citizen of Singapore on the grounds only of religion, race, descent or place of birth —  
(a) in the administration of any educational institution maintained by a public authority, and, in particular, the admission of pupils or students or the payment of fees; or  
(b) in providing out of the funds of a public authority financial aid for the maintenance or education of pupils or students in any educational institution (whether or not maintained by a public authority and whether within or outside Singapore). (Art. 16)

Employment

(2) Except as expressly authorised by this Constitution, there shall be no discrimination against citizens of Singapore on the ground only of religion, race, descent or place of birth in any law or in the appointment to any office or employment under a public authority or in the administration of any law relating to the acquisition, holding or disposition of property or the establishing or carrying on of any trade, business, profession, vocation or employment.  
(3) This Article does not invalidate or prohibit —  
(a) any provision regulating personal law; or
(b) any provision or practice restricting office or employment connected with the affairs of any religion, or of an institution managed by a group professing any religion, to persons professing that religion. (Art. 12)

(2) Except as expressly authorised by this Constitution, there shall be no discrimination against citizens of Singapore on the ground only of religion, race, descent or place of birth in any law or in the appointment to any office or employment under a public authority or in the administration of any law relating to the acquisition, holding or disposition of property or the establishing or carrying on of any trade, business, profession, vocation or employment.

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(a) any provision regulating personal law; or
(b) any provision or practice restricting office or employment connected with the affairs of any religion, or of an institution managed by a group professing any religion, to persons professing that religion.

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<td>(1) All persons are equal before the law and entitled to the equal protection of the law. (Art. 12)</td>
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<tr>
<th>Status of Religious/Customary Law</th>
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<tr>
<td>(2) Except as expressly authorised by this Constitution, there shall be no discrimination against citizens of Singapore on the ground only of religion, race, descent or place of birth in any law or in the appointment to any office or employment under a public authority or in the administration of any law relating to the acquisition, holding or disposition of property or the establishing or carrying on of any trade, business, profession, vocation or employment.</td>
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| (3) Every religious group has the right —
(a) to manage its own religious affairs;
(b) to establish and maintain institutions for religious or charitable purposes; and
(c) to acquire and own property and hold and administer it in accordance with law. |
| (4) This Article does not authorise any act contrary to any general law relating to public order, public health or morality. (Art. 15) |

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<td>(3) The Legislature shall by law make provision for regulating Muslim religious affairs and for constituting a Council to advise the President in matters relating to the Muslim religion. (Art. 153)</td>
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<td>Sinhala65</td>
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<tr>
<td><strong>Equality</strong></td>
</tr>
</tbody>
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65 Copy on file from HeinOnline World Constitutions Illustrated Library 2011.
| Non-Discrimination | (2) No citizen shall be discriminated against on the grounds of race, religion, language, caste, sex, political opinion, place of birth or any one of such grounds:
Provided that it shall be lawful to require a person to acquire within a reasonable time sufficient knowledge of any language as a qualification for any employment or office in the Public, Judicial or Local Government Service or in the service of any Public Corporation, where such knowledge is reasonably necessary for the discharge of the duties of such employment or office:
Provided further that it shall be lawful to require a person to have a sufficient knowledge of any language as a qualification for any such employment or office where no function of that employment or office can be discharged otherwise than with a knowledge of that language.
(3) No person shall, on the grounds of race, religion, language, caste, sex or any one of such grounds, be subject to any disability, liability, restriction or condition with regard to access to shops, public restaurants, hotels, places of public entertainment and places of public worship of his own religion.
(4) Nothing in this Article shall prevent special provision being made, by law, subordinate legislation or executive action, for the advancement of women, children or disabled persons. (Art. 12) |

| Public Authorities, Institutions & Services | (2) The State is pledged to establish in Sri Lanka a democratic socialist society, the objectives of which include –… h. the complete eradication of illiteracy and the assurance to all persons of the right to universal and equal access to education at all levels. (Directive Principles of State Policy, Art. 27) |
### Employment

2. No citizen shall be discriminated against on the grounds of race, religion, language, caste, sex, political opinion, place of birth or any one of such grounds:

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(Art. 12)

### Equal Before the Law

1. All persons are equal before the law and are entitled to the equal protection of the law. (Art. 12)

### Marriage & Family Life

12. The State shall recognize and protect the family as the basic unit of society.

(Directive Principles of State Policy, Art. 27)

### Status of International Law

15. The State shall promote international peace, security and cooperation, and the establishment of a just and equitable international economic and social order and shall…

67 "The provisions of this Chapter do not confer or impose legal rights or obligations and are not enforceable in any court or tribunal. No question of inconsistency with such provisions shall be raised in any court or tribunal." (Directive Principles of State Policy, Art. 29).
<table>
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<tr>
<th>(including human rights law)</th>
<th>endeavour to foster respect for international law and treaty obligations in dealings among nations. (Directive Principles of State Policy, Art. 27)</th>
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<td></td>
<td>In addition to the powers and functions expressly conferred on or assigned to him by the Constitution or by any written law whether enacted before or after the commencement of the Constitution, the President shall have the power —… (f) to do all such acts and things, not being inconsistent with the provisions of the Constitution or written law as by international law, custom or usage he is required or authorized to do. (Art. 33)</td>
</tr>
<tr>
<td>Limitations and/or Derogations</td>
<td>(7) The exercise and operation of all the fundamental rights declared and recognized by Articles 12, 13(1), 13(2) and 14 shall be subject to such restrictions as may be prescribed by law in the interests of national security, public order and the protection of public health or morality, or for the purpose of securing due recognition and respect for the rights and freedoms of others, or of meeting the just requirements of the general welfare of a democratic society. For the purposes of this paragraph “law” includes regulations made under the law for the time being relating to public security. (Art. 15)</td>
</tr>
<tr>
<td>General Human Rights Guarantees</td>
<td>(2) The State is pledged to establish in Sri Lanka a democratic socialist society, the objectives of which include —(a) the full realization of the fundamental rights and freedoms of all persons… (Directive Principles of State Policy, Art. 27)</td>
</tr>
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<td>Human Rights Duties</td>
<td>The exercise and enjoyment of rights and freedoms is inseparable from the performance of duties and obligations and accordingly it is the duty of every person in Sri Lanka —…. (e) to respect the rights and freedoms of others… (Directive Principles of State Policy, Fundamental Duties, Art. 28)</td>
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<tr>
<td>Constitution of the Republic of China (Taiwan)</td>
<td>Chinese 68</td>
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<td><strong>Equality</strong></td>
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<tr>
<td><strong>Political Participation &amp; Freedom of Association</strong></td>
<td>第一百三十四條 各種選舉, 應規定婦女當選名額, 其辦法以法律定之。</td>
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<td><strong>Education</strong></td>
<td>第一百五十九條 國民受教育之機會一律平等。</td>
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<td><strong>Employment</strong></td>
<td>第一百五十三條 國家為改良勞工及農民之生活, 增進其生產技能, 應制定保護勞工及農民之法律, 實施保護勞工及農民之政策。婦女兒童從事勞動者, 應按其年齡及身體狀態, 予以特別之保護。</td>
</tr>
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<td><strong>Equal Before the Law</strong></td>
<td>第七條 中華民國人民, 無分男女, 宗教, 種族, 階級, 黨派, 在法律上一律平等。</td>
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<td><strong>Marriage &amp; Family Life</strong></td>
<td>第一百五十六條 國家為奠定民族生存發展之基礎, 應保護母性, 並實施婦女兒童福利政策。</td>
</tr>
<tr>
<td><strong>Status of International Law (including human rights law)</strong></td>
<td>第一百四十一條 中華民國之外交, 應本獨立自主之精神, 平等互惠之原則, 敦睦邦交, 尊重條約及聯合國憲章, 以保護僑民權益, 促進國際合作, 提倡國際正義, 確保世界和平。</td>
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70 “To meet the requisites of the nation prior to national unification, the following articles of the ROC Constitution are added or amended to the ROC Constitution in accordance with Article 27, Paragraph 1, Item 3; and Article 174, Item 1:” (see: http://english.president.gov.tw/Default.aspx?tabid=435#top) (last visited May 10, 2012).
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<th>Equality</th>
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<th>English</th>
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<tr>
<td>มาตรา ๔  ศักดิ์ศรีความเป็นมนุษย์ สิทธิ เสรีภาพ และความเสมอภาคของบุคคลย่อมได้รับความคุ้มครอง</td>
<td>The human dignity, right, liberty and equality of the people shall be protected. (Sec. 4)</td>
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<td>มาตรา ๕ ประชาชนชาวไทยไม่ว่าเหล่ากิจเนิด เพศ หรือศาสนาใด ย่อมอยู่ในความคุ้มครองแห่งรัฐธรรมนูญนี้เสมอัน</td>
<td>The Thai people, irrespective of their origins, sexes or religions, shall enjoy equal protection under this Constitution. (Sec. 5)</td>
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<td>มาตรา ๓๐ บุคคลย่อมเสมอกันในกฎหมายและได้รับความคุ้มครองตามกฎหมายเท่าเทียมกัน ชายและหญิงมีสิทธิเท่าเทียมกัน การเลือกปฏิบัติโดยไม่เป็นธรรมต่อบุคคลเพราะเหตุแห่งความแตกต่างในเรื่องพันกันเนิด เข้าชาติ ภาษา เพศ อายุ ความพิการ สภาพทางกายหรือสุขภาพ สถานะของบุคคล ฐานะทางเศรษฐกิจหรือสังคม ความคิดเห็นทางการศึกษาอบรม หรือความคิดเห็นทางการเมืองอันไม่ขัดต่อบทบัญญัติแห่งรัฐธรรมนูญจะกระทํามิได้ มาตราการที่รัฐกำหนดขึ้นเพื่อจัดอุปสรรคหรือส่งเสริมให้บุคคลสามารถใช้สิทธิและเสรีภาพได้ชั่วัดบบุคคลที่ย่อมไม่ถือเป็นการเลือกปฏิบัติโดยไม่เป็นธรรมตามวรรคสาม</td>
<td>All persons shall be equal before the law and shall enjoy equal protection under it. Males and Females shall enjoy equal rights. Unjust discrimination against a person on grounds of difference in origin, race, language, sex, age, physical conditions or health, economic or social status, religious belief, education or constitutionally political view, which does not contravene the provisions of this Constitution, shall not be permitted. Measures determined by the State in order to eliminate obstacles to or to promote person’ abilities as other persons shall not be deemed as unjust discrimination under paragraph three. (Sec. 30)</td>
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72 Available at: http://www.krisdika.go.th/wps/portal/general/ut/p/e5/04_SB88K8xXLM9MSSzPy8xBz9CP0os3g_A2caQ0eTQ89ApyAnA0__EIOAQGdXAwMPQ6B8jG55dzMCur088nNT9QtyI8oBt0HTtw!!/dl3/d3/L3dB0EvUU5RTGtBISEvWUZSdndBISEvN90MEM2MUE0MUIRQjJCMEJPVDQOUIDMA5Mw!!/ (last visited May 5, 2012).

73 Available at: http://www.ect.go.th/english/files/forum/Constitution2007byIFES.pdf (last visited May 5, 2012) (notes that “This unofficial translation has been provided by IFES Thailand and the Political Section and Public Diplomacy Office of the US Embassy-Bangkok.”).
การเลือกปฏิบัติโดยไม่เป็นธรรมต่อบุคคลเพราะเหตุแห่งความแตกต่างในเรื่องถิ่นกำเนิด เข้าชาติ ภาษา เพศ อายุ ความพิการ สภาพทางกายหรือสุขภาพ สถานะของบุคคล ฐานะทางเศรษฐกิจหรือสังคม ความเชื่อทางศาสนา การศึกษาอบรม หรือความคิดเห็นทางการเมืองอันไม่ขัดต่อบัญญัติแห่งรัฐธรรมนูญ จะกระทบมิติได้ มาตรการที่รัฐกำหนดขึ้นเพื่อขจัดอุปสรรคหรือส่งเสริมให้บุคคลสามารถใช้สิทธิและเสรีภาพได้เช่นเดียวกับบุคคลอื่น ย่อมไม่ถือเป็นการเลือกปฏิบัติโดยไม่เป็นธรรมตามวรรคสาม

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<td>(๖) เด็ก เยาวชน สตรี ผู้สูงอายุ หรือผู้พิการหรือทุพพลภาพ ย่อมมีสิทธิได้รับความคุ้มครองในการดำเนินกระบวนพิจารณาคดีอย่างเหมาะสม และย่อมมีสิทธิได้รับการปฏิบัติที่เหมาะสมในคดีที่เกี่ยวกับความรุนแรงทางเพศ</td>
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</tbody>
</table>

มาตรา ๕๒ เด็กและเยาวชน มีสิทธิในการอยู่รอดและได้รับการพัฒนาด้านร่างกาย จิตใจและจิตสติปัญญา ตามศักยภาพในสภาพแวดล้อมที่เหมาะสม โดยคำนวณถึงการมีส่วนร่วมของเด็กและเยาวชนเป็นส่วนหนึ่ง | The State shall carry out the Policy Directive on Social, Public Health, Education, and Culture as follows: (1) Protect and develop children and youth; support the rise up, care, and education at the primary level; promote the equality between women and men; create and develop the family institution’s integrity and the strength of communities; provide aids and welfare to the elderly, the indigent, the disabled or handicapped and the underprivileged for their good quality of life and ability to depend on themselves. (Directive Principles of Fundamental State Policies,74 Section 80) |

มาตรา ๘๐ รัฐต้องดำเนินการตามแนวโยบายด้านสังคม การสาธารณสุข การศึกษา และวัฒนธรรม ดังต่อไปนี้ (๑) คู่มือตรงและพัฒนาเด็กและเยาวชน สนับสนุนการอบรมเลี้ยงดูและให้การศึกษาปฐมวัย | 74 Section 75: “Provisions in this Chapter express the intention to the State to legislate and direct policies in administering the State affairs.”
| ส่งเสริมความเสมอภาคของหญิงและชาย | ในการพิจารณาร่างพระราชบัญญัติที่ประธานสภาผู้แทนราษฎราวินิจฉัยว่ามีสาระสำคัญเกี่ยวกับเด็ก, เยาวชน, สตรี, ผู้สูงอายุ, ผู้พิการ, ทุพพลภาพ, หรือผู้อยู่ในสภาวะยากลำบาก ให้สภาผู้แทนราษฎรตั้งคณะกรรมาธิการวิสามัญขึ้นประกอบด้วยผู้แทนองค์การเอกชนเกี่ยวกับบุคคลประเภทนั้นที่มีความรู้ทางวิชาการ จำนวนไม่น้อยกว่าหนึ่งในสามของจำนวนกรรมาธิการทั้งหมด และมีสัดส่วนหญิงและชายเท่ากันกัน (Sec. 152)

| มาตรา ๘๗ | The State shall implement the citizen participation policy as follows:
(1) To promote citizen participation in making policies and economic development plans at the local and national level throughout the country;
(2) To promote and support citizen participation in making political decisions, making economic, social, and political development plans including in making public services.
(3) To promote and support citizen participation in the scrutiny of the exercise of State powers at all levels in the form of occupational or professional bodies.
(4) To promote and support citizen strengthen themselves politically and to legislate for establishment of the people’s political development funds to support community activities, as well as to support citizen who associate in any form of network to provide evaluation the performance of the local authorities.
(5) To promote and educate the people on the democratic development and rule with the King as the Head of the State and encourage the people to exercise their rights to vote in elections in honest and fairly.

In case of participating of the citizen in this paragraph the quote of men and women has to be considered.

(Directive Principles of Fundamental State Policies, Section 87) |
อำนาจสูงสุดระดับ

ในรูปแบบองค์กรทางวิชาชีพหรือตามสาขาอาชีพที่หลากหลาย
หรือรูปแบบอื่น
(๔) ส่งเสริมให้ประชาชนมีความเข้มแข็งในการเมือง
และจัดให้มีกฎหมายจัดตั้งกองทุนพัฒนาการเมืองภาคพื้นที่ช่วยเหลือการดำเนินกิจกรรมสาธารณะของชุมชน
รวมทั้งสนับสนุนการดำเนินการของกลุ่มประชาชนที่รวมตัวกันในลักษณะ
หรือรูปแบบอื่นๆให้สามารถแสดงความคิดเห็นและเสนอความต้องการ
ของชุมชนในพื้นที่
(๕) ส่งเสริมและให้การศึกษาแก่ประชาชนเกี่ยวกับการพัฒนาการเมืองและการ
ปกครองระบอบประชาธิปไตยในระบบรัฐธรรมนูญวิทยาทางพระมหากษัตริย์ทรงเป็นประมุข
รวมทั้งส่งเสริมให้ประชาชนได้ใช้สิทธิเลือกตั้งโดยสุจริตและเที่ยงธรรม
gกิจกรรมสาธารณะของชุมชนที่จะต้องดำเนินดังกล่าวสิ่งต่างๆในพื้นที่

มาตรา ๙๗

การจัดทำบัญชีรายชื่อผู้สมัครรับเลือกตั้งของพรรคการเมืองสำหรับการเลือกตั้ง
ประชานิเทศก์ผู้แทนราษฎรแบบแบ่งเขตส่วน ให้ดำเนินการดังต่อไปนี้
(๑) บัญชีรายชื่อผู้สมัครรับเลือกตั้งในแต่ละเขตเลือกตั้งต้องมีรายชื่อผู้สมัครรับเลือกตั้ง
หรือดังกล่าวตามจำนวนสมาชิกสภาผู้แทนราษฎรแบบแบ่งเขตส่วนที่จะมีได้
(๒) รายชื่อของบุคคลตาม (๑)

In an election of members of the House of Representatives on a party-list basis, the
party-list shall be done as follow:
(1) Consist of the names of candidates in the party-list that shall be elected in each
constituency, and it shall be arranged in order to the number and be submitted to the
Election Commission before the date an application for candidacy in an election on
the constituency basis.
(2) The names of the party-list (1) shall not be repeated by the names of candidates in
the election on the constituency basis of any parties, and to take into consideration of
the opportunity, acceptable quota and the equality between men and women. (Sec. 97)
| **Education** | The Election Commission shall have the following powers and duties:… (2) To set out rules on prohibitions for Council of Ministers and Ministers while in office to ensure performance of duties under Section 181, considering public interests and honesty, impartiality, equality, and equal opportunities to be elected; (Sec. 236) |
| **Employment** | A person shall enjoy an equal right to receive the education for the duration of not less than twelve years which shall be provided by the State thoroughly, up to the quality, and without charge… (Sec. 49) |
| **Equal Before the Law** | All persons shall be equal before the law and shall enjoy equal protection under it. Males and Females shall enjoy equal rights. Unjust discrimination against a person on grounds of difference in origin, race, |

| มาตรา ๔๙ | บุคคลย่อมมีสิทธิเสมอกันในการรับการศึกษาไม่น้อยกว่าสิบสองปีที่รัฐจะต้องจัดให้อย่างทั่วถึงและมีคุณภาพ โดยไม่เก็บค่าใช้จ่ายผู้ยากไร้ ผู้พิการหรือทุพพลภาพ หรือผู้อยู่ในสภาวะยากลำบากต้องได้รับสิทธิตามวรรคหนึ่งและการสนับสนุนจากรัฐเพื่อให้รับการศึกษาโดยทั้งเทิ่มกับบุคคลอื่น การจัดการศึกษาอบรมขององค์กรวิชาชีพหรือเอกชน การศึกษาทางเลือกของประชาชน การเรียนรู้ตัวดำเนินเองและการเรียนรู้ตลอดชีวิตย่อมได้รับความคุ้มครองและส่งเสริมที่เหมาะสมจากรัฐ |

| มาตรา ๘๔ | The State shall follow the Policy Directive on Economics as follows: … (7) Promote people at working age to obtain employment; protect child and woman labor; organize system of labor relations and labor tripartite, which workers have rights to elect their own representatives; provide social security system; protect workers, who work on the same type of job, to ensure they get wages, fringe benefits, and welfare equally and impartially. (Directive Principles of Fundamental State Policies, Section 84) |

| มาตรา ๓๐ | บุคคลย่อมเสมอกันในกฎหมายและได้รับความคุ้มครองตามกฎหมายเท่า |
| ที่ยืนกัน ชายและหญิงมีสิทธิเท่าเทียมกัน การเลือกปฏิบัติโดยไม่เป็นธรรมต่อบุคคลเพราะเหตุแห่งความแตกต่างในเรื่องเชื้อชาติ ภาษา เพศ อายุ ความพิการ สถานะทางกายหรือสุขภาพ สถานะทางบุคคล ฐานะทางเศรษฐกิจหรือสังคม ความเชื่อทางศาสนา การศึกษาอบรม หรือความคิดเห็นทางการเมืองอันไม่ขัดต่อบัญญัติแห่งรัฐธรรมนูญจะกระท่าไม่ได้ มาตรการที่รัฐกำหนดขึ้นเพื่อจัดลูกหลักหรือส่งเสริมให้บุคคลสามารถใช้สิทธิและเสรีภาพได้เข้าต่อกับบุคคลอื่น ย่อมไม่ถือเป็นการเลือกปฏิบัติโดยไม่เป็นธรรมตามวรรคสาม | language, sex, age, physical conditions or health, economic or social status, religious belief, education or constitutionally political view, which does not contravene the provisions of this Constitution, shall not be permitted. Measures determined by the State in order to eliminate obstacles to or to promote person’ abilities as other persons shall not be deemed as unjust discrimination under paragraph three. (Sec. 30) |
| มาตรา ๘๑ รัฐต้องดำเนินการตามแนวนโยบายด้านกฎหมายและการยุติธรรมดังต่อไปนี้ | The State shall follow the Policy Directive on Legal Affairs and Justice as follows:...
(2) Protect rights and liberties of a person from being violated by both State officials and other people, and provide the equal justice to all people. (Directive Principles of Fundamental State Policies, Section 81) |
| มาตรา ๕๒ เด็กและเยาวชนมีสิทธิในการอยู่รอดและได้รับการพัฒนาด้านกายภาพและจิตวิญญาณตามศักยภาพในสภาพแวดล้อมที่เหมาะสม โดยค่านิยมการมีส่วนร่วมของเด็กและเยาวชนเป็นสิ่งที่สำคัญ | …Children, youth, women, and family members shall have the rights to be protected by the State against violence and unfair treatment, and have the rights to be cured and rehabilitated when such incident happens… (Sec. 52) |
| มาตรา ๓๕ สิทธิของบุคคลในการรักษาเกียรติยศชื่อเสียงตลอดจนความเป็นอยู่ส่วนตัวย่อมได้รับความคุ้มครอง | The rights of a family member, honors, and reputation, and private life shall be protected… (Sec. 35) |
| มาตรา ๘๐ รัฐต้องดำเนินการตามแนวนโยบายด้านสังคม การสาธารณสุข การศึกษาและวัฒนธรรม ดังต่อไปนี้ | The State shall carry out the Policy Directive on Social, Public Health, Education, and Culture as follows:
(1) Protect and develop children and youth; support the rise up, care, and education at... |
(๑) คุ้มครองและพัฒนาเด็กและเยาวชน สนับสนุนการอบรมเลี้ยงดูและให้การศึกษาประจำระดับ สร้างเสริมคุณสมบัติของหญิงและชาย สร้างเสริมและพัฒนาความเป็นไปเป็นของสถาบันครอบครัวและชุมชน รวมทั้งส่งเสริมและส่งเสริมการให้กับผู้สูงอายุ ผู้ยากไร้ ผู้พิการหรือทุพพลภาพและผู้อยู่ในสภาวะยากลำบาก ให้มีคุณภาพชีวิตที่ดีขึ้นและพึ่งพาตนเองได้

The primary level; promote the equality between women and men; create and develop the family institution’s integrity and the strength of communities; provide aids and welfare to the elderly, the indigent, the disabled or handicapped and the underprivileged for their good quality of life and ability to depend on themselves. (Directive Principles of Fundamental State Policies, Section 80)

<table>
<thead>
<tr>
<th>Status of Religious/Customary Law</th>
<th>มาตรา ๗๙</th>
<th>รัฐต้องให้ความอุปถัมภ์และคุ้มครองพระพุทธศาสนาซึ่งเป็นศาสนาที่ประชานชาติไทยส่วนใหญ่นับถือมาช้านานและศาสนาอื่นทั้งต้องส่งเสริมความเข้าใจอันดีและความสมานฉันท์ระหว่างศาสนิกชนของทุกศาสนา รวมทั้งสนับสนุนการนำหลักธรรมของศาสนามาใช้เพื่อเสริมสร้างคุณธรรมและพัฒนาคุณภาพชีวิต</th>
<th>The State shall patronize and protect Buddhism, which is the religion the majority of Thai people have practiced for long time, and other religions, promote good understanding and harmony among followers of all religions, as well as encourage the application of religious principles to create virtue and develop the quality of life. (Directive Principles of Fundamental State Policies, Section 79)</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Status of International Law (including human rights law)</th>
<th>มาตรา ๘๒</th>
<th>รัฐต้องส่งเสริมสัมพันธไมตรีและความร่วมมือกับนานาประเทศและพึงถือหลักในการปฏิบัติต่ออันดับเสมอภาคตลอดจนต้องปฏิบัติตามสิทธิมนุษยชนที่ประเทศไทยเป็นสมาชิก</th>
<th>The State shall promote friendly relations and cooperation with other countries and adopt the principle of non-discrimination, and shall observe the treaties and agreements on human rights that Thailand is a member, as well as other commitments that have made with other countries and international organizations… (Directive Principles of Fundamental State Policies, Section 82)</th>
</tr>
</thead>
</table>

| มาตรา ๒๕๗ | คณะกรรมการสิทธิมนุษยชนแห่งชาติมีอํานาจหน้าที่ดังต่อไปนี้ (๑) ตรวจสอบและรายงานการกระทำหรือการละเลยการกระทำ | The National Human Rights [Commission] have the powers and duties as follows: (1) to examine and report the commission or omission of acts which violate human rights or which do not comply with obligations under international treaties to which Thailand is a party, and propose appropriate remedial measures to the person or agency committing or omitting such acts to be acted upon. In the case where it appears that no action has been taken as proposed, the commission shall report to the |
อันเป็นการละเมิดสิทธิมนุษยชน
หรือไม่เป็นไปตามพันธกรณีระหว่างประเทศเกี่ยวกับสิทธิมนุษยชนที่ประ
ทศไทยเป็นภาคีและเสนอมาตรการการแก้ไขที่เหมาะสมต่ออุดมคติหรือหน่วย
งานที่กระทบหรือละเลยการกระทบดังกล่าวเพื่อดำเนินการ
ในกรณีที่ปรากฏว่ามิได้ดำเนินการตามที่เสนอ
ให้รายงานต่อรัฐสภาเพื่อดำเนินการต่อไป
(๒) เสนอเรื่องพร้อมด้วยความเห็นต่อศาลรัฐธรรมนูญ
ในการที่เห็นชอบตามที่มีผู้ร้องเรียนว่ามิใช้บัญญัติแห่งกฎหมายใดกระทบ
ต่อสิทธิมนุษยชนและมีปัญหาเกี่ยวกับความชอบด้วยรัฐธรรมนูญ ทั้งนี้
ตามพระราชบัญญัติประกอบรัฐธรรมนูญว่าด้วยวิธีพิจารณาของศาลรัฐธรรม
นูญ

General Human Rights Guarantees

The major objectives of the new draft Constitution are to further promote and protect people’s right and liberty, encourage people’s roles and participation in the administration of the country, concretely check and cross-examine the use of the state power; provide the mechanisms of political institution in both the legislative and administrative branches with well-balanced and effective under the democratic parliamentary form of administration; support honesty and impartial operations of courts and independent organizations; and above all, to emphasize the values and significance of morality, ethics and good governance as virtuous guidance for the country’s affairs. (Preamble)

มาตรา ๒๖ การใช้อำนาจขององค์กรของรัฐทุกองค์กร

In exercising of all State authorities, regard shall be had a human dignity, rights, and...
| มาตรา ๒๖ | สิทธิและเสรีภาพที่รัฐธรรมนูญนี้รับรองไว้โดยข้อแจงโดยปริยายหรือโดยคำนิจฉัยของศาลรัฐธรรมนูญย่อมได้รับความคุ้มครองและยุติพื้นฐาน คณะรัฐมนตรีศาลรวมทั้งองค์กรตามรัฐธรรมนูญ และหน่วยงานของรัฐโดยตรงในการตรากฎหมาย การใช้บังคับกฎหมายและการตีความกฎหมายทั่วไป | The rights and liberties, recognized by this Constitution expressly, by implication or by decisions of the Constitutional Court, shall be protected and directly binding on the National Assembly, the Council of Ministers, the Courts, and other State organs in enacting, applying and interpreting laws. (Sec. 27) |
| มาตรา ๘๑ | รัฐต้องดำเนินการตามแนวนโยบายด้านกฎหมายและการยุติธรรมต่อไปนี้(๒)คุ้มครองสิทธิและเสรีภาพของบุคคลให้พ้นจากการล่วงละเมิดทั้งโดยเจ้าหน้าที่ของรัฐและโดยบุคคลอื่นและต้องยึดความยุติธรรมแก่ประชาชนอย่างเท่าเทียมกัน | The State shall follow the Policy Directive on Legal Affairs and Justice as follows:..(2) Protect rights and liberties of a person from being violated by both State officials and other people, and provide the equal justice to all people. (Directive Principles of Fundamental State Policies, Section 81) |
| ต้องคำนึงถึงข้อตั้งค่าความเป็นมนุษย์สิทธิและเสรีภาพตามบทบัญญัติแห่งรัฐธรรมนูญ | liberties as provided in this Constitution. (Sec. 26) |
### Equality

<table>
<thead>
<tr>
<th>Tetum</th>
<th>Portuguese</th>
<th>English</th>
</tr>
</thead>
<tbody>
<tr>
<td>Equality</td>
<td>1. Sidadaun hotu-hotu hanesan iha lei nia oin, no móś iha direitu no obrigasaun hanesan. (Artigu 16)</td>
<td>1. Todos os cidadãos são iguais perante a lei, gozam dos mesmos direitos e estão sujeitos aos mesmos deveres. (Artigo 16)</td>
</tr>
</tbody>
</table>

### Non-Discrimination

<table>
<thead>
<tr>
<th>Tetum</th>
<th>Portuguese</th>
<th>English</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-Discrimination</td>
<td>2. Labele halo diskriminasaun ba ema ida tanba nia kulit, nia rasa, nia estadu sívíl, nia seksu, orijen étniku, nia lian, pozisaun sosiól eh ekonomikiku, hanoí politiku ka ideolojia, relijiaun, instrusaun ehi nia kondisaun fizika eh mental. (Artigu 16)</td>
<td>2. Ninguém pode ser discriminado com base na cor, raça, estado civil, sexo, origem étnica, língua, posição social ou situação económica, convicções políticas ou ideológicas, religião, instrução ou condição física ou mental. (Artigo 16)</td>
</tr>
</tbody>
</table>

### Rights of Women

<table>
<thead>
<tr>
<th>Tetum</th>
<th>Portuguese</th>
<th>English</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rights of Women</td>
<td>Feto no mane iha direitu no obrigasaun hanesan iha moris família, kulturál, sosiól, ekonomikiku no politiku nia laran. (Artigu 17)</td>
<td>A mulher e o homem têm os mesmos direitos e obrigações em todos os domínios da vida familiar, cultural, social, económica e política. (Artigo 17)</td>
</tr>
</tbody>
</table>

### Public Authorities, Institutions & Services

<table>
<thead>
<tr>
<th>Tetum</th>
<th>Portuguese</th>
<th>English</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Authorities, Institutions &amp; Services</td>
<td>O Estado tem como objectivos fundamentais:… 3) Criar, promover e garantir a efectiva igualdade de oportunidades entre a mulher e o homem. (Artigo 17)</td>
<td>The fundamental objectives of the State shall be:… 3) To create, promote and guarantee the effective equality of opportunities between women and men. (Sec. 17)</td>
</tr>
</tbody>
</table>

### Political Participation & Freedom of Association

<table>
<thead>
<tr>
<th>Tetum</th>
<th>Portuguese</th>
<th>English</th>
</tr>
</thead>
<tbody>
<tr>
<td>Political Participation &amp; Freedom of Association</td>
<td>1. A participação directa e activa de mulheres e homens na vida política constitui condição e instrumento fundamental do sistema democrático. (Artigo 17)</td>
<td>Women and men shall have the same rights and duties in all areas of family, political, economic, social and cultural life. (Sec. 17)</td>
</tr>
</tbody>
</table>

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### Citizenship & Nationality

2. Sidadaun nanis Timór-Leste nian maka ema ne’ebé mortis nanis iha rai nasionál laran:
   a) oan sira-ne’ebé aman ka inan moris iha Timór-Leste;
   b) oan sira-ne’ebé inan-aman laiha, nasionalidade eh rai moris-fatín lahatene;
   c) oan sira-ne’ebé aman ka inan ema rai eluk, ne’ebé idade liu ona tinan sanulu resítu, no sira rasik hili sai timoroan;
3. Sidadaun nanis Timór-Leste nian mōs sira-ne’ebé, bia moris iha rai-liur, sira-nia aman ka inan, timoroan…

1. Na República Democrática de Timor-Leste existe cidadania originária e cidadania adquirida.
2. São cidadãos originários de Timor-Leste, desde que tenham nascido em território nacional:
   a) Os filhos de pai ou mãe nascidos em Timor-Leste;
   b) Os filhos de pais incógnitos, apátridas ou de nacionalidade desconhecida;
   c) Os filhos de pai ou mãe estrangeiros que, sendo maiores de dezassete anos, declarem, por si, querer ser timorenses.
3. São cidadãos originários de Timor-Leste, ainda que nascidos em território estrangeiro, os filhos de pai ou mãe timorenses…

2. The following citizens shall be considered original citizens of East Timor, as long as they are born in the national territory:
   a) Children of father or mother born in East Timor;
   b) Children of incognito parents, stateless parents or parents of unknown nationality;
   c) Children of a foreign father or mother who, being over seventeen years old, declare their will to become East Timorese nationals.
3. Irrespective of being born in a foreign country, children of a Timorese father or mother shall be considered original citizens of East Timor.
   a) Children of an East Timorese father or mother living overseas;
   b) Children of an East Timorese father or mother serving the State outside the country; …

### Education

2. Ema hotu iha direitu hanesan, ba oportunidade atu eskola no ba formasanu serbisiu/profisaunnian. (Artigu 59)

2. Todos têm direito a igualdade de oportunidades de ensino e formação profissional. (Artigo 59)

2. Everyone has the right to equal opportunities for education and vocational training. (Sec. 59)

### Employment

1. Sidadaun hotu-hotu, feto ka mane, iha direitu no devér atu halo servisu no livre atu hili nia profisaun. (Artigu 50)

1. Todo o cidadão, independentemente do sexo, tem o direito e o dever de trabalhar e de escolher livremente a profissão. (Artigo 50)

1. Every citizen, regardless of gender, has the right and the duty to work and to choose freely his or her profession. (Sec. 50)

### Equal Before the Law

1. Sidadaun hotu-hotu hanesan iha lei nia oin, no mōs iha direitu no obrigasaun hanesan. (Artigu 16)

1. Todos os cidadãos são iguais perante a lei, gozam dos mesmos direitos e estão sujeitos aos mesmos deveres. (Artigo 16)

1. All citizens are equal before the law, shall exercise the same rights and shall be subject to the same duties. (Sec. 16)

### Marriage & Family Life

Feto no mane iha direitu no obrigasaun hanesan iha moris família, kulturál, sosial, ekonómiku no politiku nia laran. (Artigu 17)

A mulher e o homem têm os mesmos direitos e obrigações em todos os domínios da vida familiar, cultural, social, económica e política. (Artigo 17)

Women and men shall have the same rights and duties in all areas of family, political, economic, social and cultural life. (Sec. 17)

1. Estadu proteje uma-kain nu’udar baze selulár iha sosiedade no nu’udar kondisaun ne’ebé d’ak ba ema idaidak hodi dezenvolve an.
2. Ema hotu-hotu iha direitu atu harii no moris iha uma-kain.
3. Kazamentu hatuur iha ema feto no mane sira-

1. The State shall protect the family as the society’s basic unit and a condition for the harmonious development of the individual.
2. Every one has the right to establish and live in a family.
3. Marriage shall be based upon free consent by the parties and on terms of full equality of rights between spouses, in

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78 Note that Section III, 3. appears to be slightly different in the English version from the Tetum and Portuguese versions.
4. Maternity shall be dignified and protected, and special protection shall be guaranteed to all women during pregnancy and after delivery and working women shall have the right to be exempted from the workplace for an adequate period before and after delivery, without loss of remuneration or any other benefits, in accordance with the law. (Sec. 39)

4. O Estado reconhece e valoriza as normas e os usos costumeiros de Timor-Leste que não contrariem a Constituição e a legislação que trate especialmente do direito costumeiro. (Artigo 45)

1. Every person is guaranteed the freedom of conscience, of religion and of worship and the religious denominations are separated from the State. (Sec. 45)

1. A ordem jurídica timorense adopta os princípios de direito internacional geral ou comum. (Artigo 49)

1. The legal system of East Timor shall adopt the general or customary principles of international law. (including human rights law)

2. Norma sira-ne'ébe mai iha konvensaun, tratadu no akordu internasionál sira-nia laran vigora iha orden lei sailaran nian, wainhira hetan aprovsasun, ratifikasun eh adezaun hosí órgáun kompetente idaidak no wainhira publika tiha ona iha jornál ofisiál.

3. São inválidas todas as normas das leis contrárias às disposições das convenções, tratados e acordos internacionais recebidos na ordem jurídica interna timorense. (Artigo 9)

1. Os direitos fundamentais consagrados na Constituição não excluem quaisquer outros constantes da lei e devem ser interpretados em consonância com a Declaração Universal dos Direitos Humanos. (Artigo 23)

Fundamental rights enshrined in the Constitution shall not exclude any other rights provided for by the law and shall be interpreted in accordance with the Universal Declaration of Human Rights. (Sec. 23)

Direitu fundamentál sira-ne’ébe konsagra iha Lei-Inan la hasai direitu selu-seluk ne’ébe temi iha lei no tenke interpreta sira tuir Deklarasaun Universál Direitus Umanus nian. (Artig 23)

Direitu fundamentál sira-ne’ébe konsagra iha Lei-Inan la hasai direitu selu-seluk ne’ébe temi iha lei no tenke interpreta sira tuir Deklarasaun Universál Direitus Umanus nian. (Artig 23)

Reafirman solemnemente a sua determinação em combater todas as formas de tirania, opressão, dominação e segregação social, cultural ou religiosa, defender a independência nacional, respeitar e garantir os direitos humanos e os direitos...
<table>
<thead>
<tr>
<th>Fundamentál, atu kaer metin princípiu haketak poder iha Estadu nia organizasaun no harii demokrasia sanak-barak nia regra prinsipál sira, hodi buka harii nasaun ida-ne’ebé justo no buras, hodi mó poti sosiedade ida-ne’ebé hakiak ema atu fó neon-laran ba malu nu’udar maunalin… (PREÁMBULU)</th>
<th>Fundamentais do cidadão, assegurar o princípio da separação de poderes na organização do Estado e estabelecer as regras essenciais da democracia pluralista, tendo em vista a construção de um país justo e próspero e o desenvolvimento de uma sociedade solidária e fraterna… (PREÂMBULO)</th>
<th>Essential rules of multi-party democracy, with a view to building a just and prosperous nation and developing a society of solidarity and fraternity… (Preamble)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estadu nia objetivu fundamentál sira maka ne’e:…b) Garante no promove sidadaun sira-nia direitu no liberdade fundamentál, no respeitu ba Estadu nia prinsípiu kona-ba direitu demokrátiku; (Artigu 6)</td>
<td>O Estado tem como objectivos fundamentais:…b) Garantir e promover os direitos e liberdades fundamentais dos cidadãos e o respeito pelos princípios do Estado de direito democrático; (Artigo 6)</td>
<td>The fundamental objectives of the State shall be:… b) To guarantee and promote fundamental rights and freedoms of the citizens and the respect for the principles of the democratic State based on the rule of law; (Sec. 6)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Vietnamese</th>
<th>English</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Equality</strong></td>
<td><strong>All citizens regardless of their sex have equal rights in all respects, political, economic, cultural, social and in family life. Any discrimination against women and violation of women’s dignity are strictly prohibited... (Art. 63)</strong></td>
</tr>
<tr>
<td>英文</td>
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</tr>
<tr>
<td><strong>Non-Discrimination</strong></td>
<td><strong>All citizens regardless of their sex have equal rights in all respects, political, economic, cultural, social and in family life. Any discrimination against women and violation of women’s dignity are strictly prohibited... (Art. 63)</strong></td>
</tr>
</tbody>
</table>
| **Rights of Women** | **All citizens regardless of their sex have equal rights in all respects, political, economic, cultural, social and in family life. Any discrimination against women and violation of women’s dignity are strictly prohibited.**

Women and men receive equal pay for equal work. Women workers are entitled to maternity benefits. Women who are public employees or salary-earners are entitled to pre-and post-natal paid leave, as provided by the law.

The State and society create favourable conditions for women to improve their knowledge and competence in all respects and increasingly bring into full play their role in society, ensure the development of maternity homes, paediatric wards, creches, kindergartens and other social welfare facilities in order to lighten women’s workload in the family and create favourable conditions for women’s production, work, study, medical treatment, rest and discharge of the duties of motherhood.

(Art. 63)

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79 Copy on file from HeinOnline World Constitutions Illustrated Library 2011.

<table>
<thead>
<tr>
<th><strong>Public Authorities, Institutions &amp; Services</strong></th>
<th>Nhà nước bảo đảm và không ngừng phát huy quyền làm chủ về mọi mặt của nhân dân, thực hiện mục tiêu dân giàu, nước mạnh, xã hội công bằng, dân chủ, văn minh, mọi người có cuộc sống an no, tự do, hạnh phúc, có điều kiện phát triển toàn diện; nghiêm trừng mọi hành động xâm phạm lợi ích của Tổ quốc và của nhân dân (Điều 3)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Political Participation &amp; Freedom of Association</strong></td>
<td>The State ensures and constantly fosters the people’s rights as masters in all spheres, realises the targets of building a prosperous life for its people, a strong country and an equitable, democratic and civilized society, ensuring the well-being, freedom and happiness of all citizens as well as conditions for their allround development, and severely punishes all infringements on the interests of the nation and of the people. (Art. 3)</td>
</tr>
<tr>
<td></td>
<td>All citizens regardless of their ethnic origin, sex, social status, belief, religion, educational level, occupation and term of residence have the right to vote upon reaching the age of eighteen and stand for election to the National Assembly and the People’s Councils upon attaining the age of twenty one as provided by law. (Art. 54)</td>
</tr>
<tr>
<td></td>
<td>All citizens regardless of their sex have equal rights in all respects, political, economic, cultural, social and in family life. Any discrimination against women and violation of women’s dignity are strictly prohibited…(Art. 63)</td>
</tr>
<tr>
<td><strong>Education</strong></td>
<td>…The State and society create favourable conditions for women to improve their knowledge and competence in all respects and increasingly bring into full play their role in society, ensure the development of maternity homes, paediatric wards, creches, kindergartens and other social welfare facilities in order to lighten women’s workload in the family and create favourable conditions for women’s production, work, study, medical treatment, rest and discharge of the duties of motherhood. (Art. 63)</td>
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<td><strong>Employment</strong></td>
<td>…Women and men receive equal pay for equal work. Women workers are entitled to maternity benefits. Women who are public employees or salary-earners are entitled to pre-and post-natal paid leave, as provided by the law. The State and society create favourable conditions for women to improve their knowledge and competence in all respects and increasingly bring into full play their role in society, ensure the development of maternity homes, paediatric wards, creches, kindergartens and other social welfare facilities in order to lighten women’s workload in the family and create favourable conditions for women’s production, work, study, medical treatment, rest and discharge of the duties of motherhood. (Art. 63)</td>
</tr>
<tr>
<td><strong>Equal Before the Law</strong></td>
<td>Mọi công dân đều bình đẳng trước pháp luật. (Điều 52) All citizens are equal before the law. (Art. 52)</td>
</tr>
<tr>
<td><strong>Marriage &amp; Family Life</strong></td>
<td>Nhà nước, xã hội, gia đình và công dân có trách nhiệm bảo vệ, chăm sóc bà mẹ và trẻ em; thực hiện chương trình dân số và kế hoạch hoá gia đình. (Điều 40) The State, society, the family and all citizens have the obligation to give protection and care to mothers and children and to implement the population and family planning programme. (Art. 40)</td>
</tr>
</tbody>
</table>
All citizens regardless of their sex have equal rights in all respects, political, economic, cultural, social and in family life. Any discrimination against women and violation of women’s dignity are strictly prohibited… The State and society create favourable conditions for women to improve their knowledge and competence in all respects and increasingly bring into full play their role in society, ensure the development of maternity homes, paediatric wards, creches, kindergartens and other social welfare facilities in order to lighten women’s workload in the family and create favourable conditions for women’s production, work, study, medical treatment, rest and discharge of the duties of motherhood. (Art. 63)

The family is the nucleus of society. The State protects marriage and the family. Male and female citizens have the right to marry on the principle of free consent, progressive orientation, monogamy and equality between husband and wife. Parents are duty bound to bring up and educate their children into useful citizens of society. Children have an obligation to respect and care for their grand-parents and parents. The State and society do not admit any discrimination among children of the same family. (Art. 64)

The State, society and the family are responsible for the protection, care and education of children. (Art. 65)
| **Status of International Law (including human rights law)** | Chính phủ có những nhiệm vụ và quyền hạn sau đây...  
8- Thông nhất quản lý công tác đối ngoại; đảm phán, ký kết điều ước quốc tế nhân danh Nhà nước Cộng hòa xã hội chủ nghĩa Việt Nam, trừ trường hợp quy định tại điểm 10 Điều 103; đảm phán, ký, phê duyệt, gia nhập điều ước quốc tế nhân danh Chính phủ; chỉ đạo việc thực hiện các điều ước quốc tế mà Cộng hòa xã hội chủ nghĩa Việt Nam ký kết hoặc gia nhập; bảo vệ lợi ích của Nhà nước, lợi ích chính đáng của tổ chức và công dân Việt Nam ở nước ngoài... (Điều 112) |
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>General Human Rights Guarantees</strong></td>
<td>Ở nước Cộng hòa xã hội chủ nghĩa Việt Nam, các quyền con người về chính trị, dân sự, kinh tế, văn hoá và xã hội được tôn trọng, thể hiện ở các quyền công dân và được quy định trong Hiến pháp và luật. (Điều 50)</td>
</tr>
<tr>
<td><strong>The Government has the following duties and powers:</strong></td>
<td>The Government has the following duties and powers: ...8. To undertake unified management of the foreign affair of the State; on behalf of the Socialist Republic of Vietnam to negotiate and sign international treaties except as provided in Clause 10 of Article 103; on behalf of the Government to negotiate, sign, accede to and approve international treaties; direct the implementation of international treaties which the Socialist Republic of Vietnam has signed of acceded to; to protect the interests of the State and the legitimate interests of Vietnamese organisations and citizens abroad... (Art. 112)</td>
</tr>
<tr>
<td><strong>In the Socialist Republic of Vietnam, human rights in all respects, political, civic, economic, cultural and social are respected, find their expression in the rights of citizens and are provided for by the Constitution and the law.</strong></td>
<td>In the Socialist Republic of Vietnam, human rights in all respects, political, civic, economic, cultural and social are respected, find their expression in the rights of citizens and are provided for by the Constitution and the law. (Art. 50)</td>
</tr>
</tbody>
</table>
### Commonwealth of Australia Constitution Act 1900, as amended to 1977

<table>
<thead>
<tr>
<th>Status of Religious/Customary Law</th>
<th>English[^81]</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Commonwealth shall not make any law for establishing any religion, or for imposing any religious observance, or for prohibiting the free exercise of any religion, and no religious test shall be required as a qualification for any office or public trust under the Commonwealth. (Art. 116)</td>
<td></td>
</tr>
</tbody>
</table>

**Fiji Islands Constitution Amendment Act 1997 (Act No. 13 of 1997), amended to 1998**

<table>
<thead>
<tr>
<th>English</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Equality</strong></td>
<td>The people of the Fiji Islands recognise that, within the framework of this Constitution and the other laws of the State, the conduct of government is based on the following principles:… (e) as citizens, the members of all communities enjoy equal rights, including the right to make their permanent homes in the Fiji Islands; … (k) affirmative action and social justice programs to secure effective equality of access to opportunities, amenities or services for the Fijian and Rotuman people, as well as for other communities, for women as well as men, and for all disadvantaged citizens or groups, are based on an allocation of resources broadly acceptable to all communities; (Sec. 6)³⁸³</td>
</tr>
<tr>
<td><strong>Non-Discrimination</strong></td>
<td>(2) In interpreting the provisions of this Chapter [Bill of Rights], the courts must promote the values that underlie a democratic society based on freedom and equality and must, if relevant, have regard to public international law applicable to the protection of the rights set out in this Chapter. (Sec. 43)</td>
</tr>
<tr>
<td></td>
<td>(2) A law may limit, or may authorise the limitation of, the right to freedom of expression in the interests of:… (b) the protection or maintenance of the reputation, privacy, dignity, rights or freedoms of other persons, including: (i) the right to be free from hate speech, whether directed against individuals or groups… (d) preventing attacks on the dignity of individuals, groups or communities or respected offices or institutions in a manner likely to promote ill will between races or communities or the oppression of, or discrimination against, any person or persons;… but only to the extent that the limitation is reasonable and justifiable in a free and democratic society. (3) In this section: hate speech means an expression in whatever form that encourages, or has the effect of encouraging, discrimination on a ground proscribed by section 38. (Sec. 30)</td>
</tr>
<tr>
<td></td>
<td>(2) A person must not be unfairly discriminated against, directly or indirectly, on the ground of his or her: (a) actual or supposed personal characteristics or circumstances, including race, ethnic origin, colour, place of origin, gender, sexual orientation, birth, primary language, economic status, age or disability; or (b) opinions or beliefs, except to the extent that those opinions or beliefs involve harm to others or the diminution of the rights or freedoms of others; or on any other ground prohibited by this Constitution. (3) Accordingly, neither a law nor an administrative action taken under a law may directly or indirectly impose a disability or restriction on any person on a prohibited ground. (4) Every person has the right of access, without discrimination on a prohibited ground, to shops, hotels, lodging-houses, public restaurants, places of public entertainment, public transport services, taxis and public places… (5) The proprietor of a place or service referred to in subsection (4) must facilitate reasonable access for disabled persons to the extent prescribed by law. (6) A law, or an administrative action taken under a law, is not inconsistent with the right to freedom from discrimination on the ground of: (a) language;</td>
</tr>
</tbody>
</table>

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³⁸² Available at: [http://www.wipo.int/wipolex/en/details.jsp?id=6690](http://www.wipo.int/wipolex/en/details.jsp?id=6690) (last visited May 10, 2012). Note on April 10, 2009, the Fiji Constitution Amendment Act 1997 Revocation Decree 2009 revoked the 1997 Fiji Constitution (see Fiji Constitution Amendment Act 1997 Revocation Decree 2009 [Fiji], Decree No. 1, 10 April 2009, available at: [http://www.unhcr.org/refworld/docid/49ec84062.html](http://www.unhcr.org/refworld/docid/49ec84062.html)) (last visited May 10, 2012). On March 9, 2012, the Fijian Prime Minister “announced Fiji’s plan to formulate a new constitution, laying out the basic principles and timetable for the Constitutional Consultation process,” which include “A common and equal citizenry; A secular state; The removal of systemic corruption; An independent judiciary; Elimination of discrimination; Good and transparent governance; Social justice; One person, one vote, one value; The elimination of ethnic voting; Proportional representation; and A voting age of 18.” (see [http://www.fijiembassy.jp/news/12/20120309.html](http://www.fijiembassy.jp/news/12/20120309.html)). This 1997 version of the Constitution is therefore included for informational purposes only. According to Section 4: “(2) This Constitution is to be adopted in English but translations in Fijian and Hindustani are to be available” and “(3) If, in the interpretation of a provision of this Constitution, there is an apparent difference between the meaning of the English version of the provision and its meaning in Fijian or Hindustani, the English version prevails.”
³⁸³ According to Section 7: “(1) The principles referred to in section 6 are non-justiciable, except to the extent that they are made the subject of other provisions of this Constitution or of a law made under this Constitution. (2) In the interpretation of this Constitution or a law made under this constitution consideration must be given to those principles, when relevant.”
(b) birth;
(c) economic status;
(d) age; or
(e) disability;

during the period of 2 years after the date of commencement of this Constitution if the law was in force immediately before that date and has remained continually in force during that period.

(7) A law is not inconsistent with subsections (1), (2) or (3) on the ground that it:
(a) appropriates revenues or other moneys for particular purposes;
(b) imposes a retirement age on a person who is the holder of a public office;
(c) imposes on persons who are not citizens a disability or restriction, or confers on them a privilege or advantage, not imposed or conferred on citizens;
(d) permits a person who has a discretion to institute or discontinue criminal proceedings to take account in the exercise of that discretion of traditional procedures in the State for the settlement of disputes; or
(e) makes provision with respect to adoption, marriage, divorce, burial, devolution of property on death or other like matters as the personal law of any person or the members of any group;

but only to the extent that the law is reasonable and justifiable in a free and democratic society.

(8) A law, or an administrative action taken under a law, may limit a right or freedom set out in this section for the purpose of:
(a) providing for the application of the customs of Fijians or Rotumans or of the Banaban community:
(i) to the holding, use or transmission of, or to the distribution of the produce of, land or fishing rights; or
(ii) to the entitlement of any person to any chiefly title or rank;
(b) imposing a restriction on the alienation of land or fishing rights held in accordance with Fijian or Rotuman custom or in accordance with Banaban custom; or
(c) permitting the temporary alienation of that land or those rights without the consent of the owners.

(9) To the extent permitted by subsection (10), a law, or an administrative action taken under a law, may limit a right or freedom set out in this section for the purpose of providing for the governance of Fijians or Rotumans or of the Banaban community and of other persons living as members of a Fijian, Rotuman or Banaban community.

(10) A limitation referred to in subsection (9) is valid only if it:
(a) accords to every person to whom it applies the right to equality before the law without discrimination other than on the ground of race or ethnic origin; and
(b) does not infringe a right or freedom set out in any other section of this Chapter.

(See. 38)

Public Authorities, Institutions & Services

(1) The Parliament must make provision for programs designed to achieve for all groups or categories of persons who are disadvantaged effective equality of access to:
(a) education and training;
(b) land and housing; and
(c) participation in commerce and in all levels and branches of service of the State.

(2) An Act that establishes a program under subsection (1) must specify:
(a) the goals of the program and the persons or groups it is intended to benefit;
(b) the means by which those persons or groups are to be assisted to achieve the goals;
(c) the performance indicators for judging the efficacy of the program in achieving the goals; and
(d) if the program is for the benefit of a group, the criteria for the selection of the members of the group who will be entitled to participate in the program.

(3) A person may take special measures in accordance with this section for the purpose of achieving substantial equality between different groups or different categories of persons.

(4) A person does not discriminate against another person under section 38 by taking those special measures.

(5) Subsection (3) does not authorise the taking, or further taking, of special measures for a purpose referred to in that subsection that is achieved.

(6) The administering department or other agency must monitor the efficacy of a program established under this section by reference to the specified performance indicators. The Minister must make an annual report to Parliament on the results revealed by the monitoring.

(7) Unless it has sooner expired in accordance with its terms or has been repealed, an Act establishing a program under this section expires on the tenth anniversary of its
commencement, but the program may be re-established, unless the benefited persons or groups have demonstrably ceased to be in need of it.

(8) A program established under this section must not, directly or indirectly, deprive any person not entitled to its benefits of:
(a) any position or seniority in the service of the State;
(b) any place in an educational or training institution;
(c) a scholarship or other financial support; or
(d) a right to carry on any business or profession or to enjoy any other opportunity, amenity or service;
to which that person has already become, and would otherwise remain, entitled.

(9) For the purposes of this section, an ethnic community is to be taken as having effective equality of access to a level or branch of service of the State only if it is represented there in a number broadly proportionate to its number in the adult population as a whole, unless its under-representation is due solely to its particular occupational preferences.

(10) In this section:
service of the State means service in any capacity on appointment:
(a) by the President, a Minister, the Cabinet, a commission or the holder of a public office;
(b) by resolution of the Parliament or a committee of the Parliament; or
(c) by or on behalf of any local authority;
whether or not the appointee is remunerated wholly or partly by public money, but does not include service as a member or employee of a body provided for in an Act referred to in section 185. (Sec. 44)

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**Political Participation & Freedom of Association**

50. The House of Representatives consists of 71 members elected in accordance with this Constitution to represent single member constituencies.

Seats

51.- (1) The 71 members are elected as follows:
(a) 46 are elected by voters registered on one of 4 separate electoral rolls, namely:
   (i) a roll of voters who are registered as Fijians;
   (ii) a roll of voters who are registered as Indians;
   (iii) a roll of voters who are registered as Rotumans; and
   (iv) a roll of voters who are registered otherwise than as Fijians, Indians or Rotumans;
(b) 25 are elected by voters from all communities registered on an open electoral roll.

55…(3) A person:
(a) who has a right to be registered as a voter; and
(b) any of whose progenitors in the male or female line is or was a native inhabitant of Fiji (other than Rotuma); has a right to be registered on the roll referred to in subparagraph 51(1)(a)(i).

4) A person:
(a) who has a right to be registered as a voter; and
(b) any of whose progenitors in the male or female line is or was a native inhabitants of the sub-continent of India;
has a right to be registered on the roll referred to in subparagraph 51(1)(a)(ii).

5) A person:
(a) who has a right to be registered as a voter; and
(b) any of whose progenitors in the male or female line is or was a native inhabitant of Rotuma; has a right to be registered on the roll referred to in subparagraph 51(1)(a)(iii).

6A) A person who:
(a) has a right to be registered as a voter;
(b) has a right to be registered on one of the rolls referred to in subparagraphs 51 (1)(a)(i), (ii) and (iii); and
(c) any of whose progenitors in the male or female line does not have (or, being deceased, would if living not have) a right to be registered on one of those rolls, may
choose either to be registered on one of those rolls or to be registered on the roll referred to in subparagraph 51(1)(a)(iv).

### Citizenship & Nationality

1. A child born outside Fiji on or after the date of commencement of this Constitution may become a citizen by registration if, at the date of the child's birth, either parent was a citizen.
2. A child who was under the age of 21 when either parent became a citizen may become a citizen by registration.

The following persons may enter and reside in Fiji so long as they comply with conditions prescribed by the Parliament governing entry and residence:

- (b) a foreign wife or widow or foreign husband or widower of a citizen;

### Right to Property/Inheritance

1. Every person has the right to equality before the law.
2. A person must not be unfairly discriminated against, directly or indirectly, on the ground of:
   - (a) actual or supposed personal characteristics or circumstances, including race, ethnic origin, colour, place of origin, gender, sexual orientation, birth, primary language, economic status, age or disability; or
   - (b) opinions or beliefs, except to the extent that those opinions or beliefs involve harm to others or the diminution of the rights or freedoms of others; or on any other ground prohibited by this Constitution.
3. Accordingly, neither a law nor an administrative action taken under a law may directly or indirectly impose a disability or restriction on any person on a prohibited ground.

### Right to Education

1. Every person has the right to basic education and to equal access to educational institutions.

### Employment

The making of appointments to judicial office is governed by the principles, first, that judges should be of the highest quality and, secondly, that the composition of the judiciary should, as far as practicable, reflect the ethnic and gender balance of the community.

The recruitment of persons to a state service, the promotion of persons within a state service and the management of a state service must be based on the following principles:

- (c) men and women equally, and the members of all ethnic groups, should have adequate and equal opportunities for training and advancement;

### Equal Before the Law

1. Every person has the right to equality before the law.
2. A person must not be unfairly discriminated against, directly or indirectly, on the ground of:
3. Accordingly, neither a law nor an administrative action taken under a law may directly or indirectly impose a disability or restriction on any person on a prohibited ground.

### Marriage & Family Life

1. Every person has the right to equality before the law.
<table>
<thead>
<tr>
<th>Status of Religious/Customary Law</th>
</tr>
</thead>
<tbody>
<tr>
<td>…RECALLING the events in our history that have made us what we are, especially the settlement of these islands by the ancestors of the indigenous Fijian and Rotuman people; the arrival of forebears of subsequent settlers, including Pacific Islanders, Europeans, Indians and Chinese; the conversion of the indigenous inhabitants of these islands from heathenism to Christianity through the power of the name of Jesus Christ; the enduring influence of Christianity in these islands and its contribution, along with that of other faiths,… (Preamble)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Status of International Law (including human rights law)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) This section establishes a Human Rights Commission. (2) Its functions are: (a) to educate the public about the nature and content of the Bill of Rights, including its origins in international conventions and other international instruments, and the responsibilities of the Human Rights Committee, the Committee on the Elimination of Racial Discrimination and other organs of the General Assembly of the United Nations for promoting respect for human rights; (b) to make recommendations to the Government about matters affecting compliance with human rights, including the making of a recommendation that a particular question about the legal effect of a provision of the Bill of Rights be referred to the Supreme Court for its opinion; and (c) to perform such other functions as are conferred on it by a law made by the Parliament. (Sec. 42)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>General Human Rights Guarantees</th>
</tr>
</thead>
<tbody>
<tr>
<td>…REAFFIRMING our recognition of the human rights and fundamental freedoms of all individuals and groups, safeguarded by adherence to the rule of law, and our respect for human dignity and for the importance of the family… (Preamble)</td>
</tr>
</tbody>
</table>
In the interpretation of a provision of this Constitution:
(b) regard must be had to the context in which this Constitution was drafted and to the intention that constitutional interpretation take into account social and cultural developments, especially:
(i) developments in the understanding of the content of particular human rights; and
(ii) developments in the promotion of particular human rights. (Sec. 3)

The people of the Fiji Islands recognise that, within the framework of this Constitution and the other laws of the State, the conduct of government is based on the following principles:
(a) the rights of all individuals, communities and groups are fully respected; (Sec. 6)
### Constitution of Kiribati 1979

<table>
<thead>
<tr>
<th>Equality</th>
</tr>
</thead>
<tbody>
<tr>
<td>...In implementing this Constitution, we declare that ... -2. the principle of equality and justice shall be upheld; ...(Preamble)</td>
</tr>
</tbody>
</table>

Whereas every person in Kiribati is entitled to the fundamental rights and freedoms of the individual, that is to say, the right, whatever his race, place of origin, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others or the public interest, to each and all of the following, namely-

(a) life, liberty, security of the person and the protection of the law;
(b) freedom of conscience, of expression and of assembly and association; and
(c) protection for the privacy of his home and other property and from deprivation of property without compensation,

the provision of this Chapter shall have effect for the purpose of affording protection to those rights and freedoms subject to such limitations on that protection as are contained in those provisions, being limitations designed to ensure that the enjoyment of the said rights and freedoms by any individual does not prejudice the rights and freedoms of others or the public interest. (Art. 3)

### Non-discrimination

1) Subject to the provisions of subsections (4), (5) and (8) of this section, no law shall make any provision that is discriminatory either of itself or in its effect.
2) Subject to the provisions of subsections (6), (7) and (8) of this section, no person shall be treated in a discriminatory manner by any person acting by virtue of any written law or in the performance of the functions of any public office or any public authority.
3) In this section, the expression “discriminatory” means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, place of origin, political opinions, colour or creed whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description.
4) Subsection (1) of this section shall not apply to any law so far as that law makes provision-
   (a) for the imposition of taxation or the appropriation of revenue by the Government or any local authority or body for local purposes;
   (b) with respect to person who are not citizens of Kiribati;
   (c) for the application, in the case of persons of any such description as is mentioned in the preceding subsection (or of persons connected with such persons), of the law with respect to adoption, marriage, divorce, burial, devolution of property on death or other like matters that is the personal law applicable to persons of that description;
   (d) with respect to land, the tenure of land, the resumption and acquisition of land and other like purposes; or
   (e) whereby persons of any such description as is mentioned in the preceding subsection may be subjected to any disability or restriction or may be accorded any privilege or advantage which, having regard to its nature and to special circumstances pertaining to those persons or to persons of any other such description, is reasonably justifiable in a democratic society.
5) Nothing contained in any law shall be held to be inconsistent with or in contravention of subsection (1) of this section to the extent that it makes provision with respect to standards or qualifications (not being standards or qualifications specifically relating to race, place of origin, political opinions, colour or creed) to be required of any person who is appointed to any office in the public service, any office in a disciplined force, any office in the service of a local government council or any office in a body corporate established directly by any law for public purposes.
6) Subsection (2) of this section shall not apply to anything which is expressly or by necessary implication authorized to be done by any such provision of law as is referred to in subsection (4) or (5) of this section.
7) Subsection (2) of this section shall not affect any discretion relating to the institution, conduct or discontinuance of civil or criminal proceedings in any court that is vested in any person by or under this Constitution or any other law.
8) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision whereby persons of any such description as is mentioned in subsection (3) of this section may be subjected to any restriction on the rights and freedoms guaranteed by sections 9, 11, 12, 13, and 14 of this Constitution, being such a restriction as is authorized by section 9 (2), 11 (6), 12 (2), 13 (2) or 14 (3), as the case may be.
9) Nothing contained in or done under the authority of any law shall be held to be inconsistent with the provisions of this section-

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84 Available at: [http://www.parliament.gov.ki/content/constitution-kiribati](http://www.parliament.gov.ki/content/constitution-kiribati) (last visited May 10, 2012). According to Art. 127: “The provisions of this Constitution shall be published in a Kiribati language text as well as this English text, but in the event of any inconsistency between the 2 texts this English text shall prevail.”
(a) if that law was in force immediately before the coming into operation of this Constitution and has continued in force at all times since the coming into operation of this Constitution; or
(b) to the extent that the law repeals and re-enacts any provision which has been contained in any enactment at all times since immediately before the coming into operation of this Constitution. (Art. 15)

<table>
<thead>
<tr>
<th>Citizenship &amp; Nationality</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Subject to the provisions of subsections (4), (5) and (8) of this section, no law shall make any provision that is discriminatory either of itself or in its effect.</td>
</tr>
<tr>
<td>2) Subject to the provisions of subsections (6), (7) and (8) of this section, no person shall be treated in a discriminatory manner by any person acting by virtue of any written law or in the performance of the functions of any public office or any public authority.</td>
</tr>
<tr>
<td>3) In this section, the expression “discriminatory” means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, place of origin, political opinions, colour or creed whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description.</td>
</tr>
<tr>
<td>4) Subsection (1) of this section shall not apply to any law so far as that law makes provision—</td>
</tr>
<tr>
<td>(b) with respect to person who are not citizens of Kiribati;… (Art. 13)</td>
</tr>
</tbody>
</table>

1) Every person of I-Kiribati descent85 who having been born outside Kiribati is on the day prior to Independence Day a citizen of the United Kingdom and Colonies shall, if his father becomes or would but for his death or renunciation of his citizenship of the United Kingdom and Colonies have become a citizen of Kiribati by virtue of subsection (1) or (3) of the preceding section, become a citizen of Kiribati on Independence Day. |

2) Every person not of I-Kiribati descent who having been born outside Kiribati is an eligible person shall, if his father becomes or would but for his death have become a citizen of Kiribati by virtue of subsection (2) or (3) of the preceding section, become a citizen of Kiribati on Independence Day. (Art. 21)

Every woman who, having been married to a person who becomes, or would becomes, or would but for his death or renunciation of his citizenship of the United Kingdom and Colonies have become, a citizen of Kiribati by virtue of section 20 or 21 of this Constitution, automatically or by registration, on the grounds of that marriage and who possesses that status on the day prior to Independence Day, shall become a citizen of Kiribati on Independence Day. (Art. 22)

1) Every person born in Kiribati after the day prior to Independence Day shall become a citizen of Kiribati at the date of his birth unless on that date, not being a person of I-Kiribati descent or a person whose father is a citizen of Kiribati, he becomes a citizen of some other country: |
Provided that a person shall not become a citizen of Kiribati by virtue of this subsection if at the time of his birth— |
(a) his father possesses such immunity from suit and legal process as is accorded to any envoy of a foreign sovereign power accredited to Kiribati and neither of his parents is a citizen of Kiribati; or |
(b) his father is a citizen of a country with which Kiribati is at war and the birth occurs in a place then under occupation of such country. |

2) Every person born outside Kiribati after the day prior to Independence Day shall become a citizen of Kiribati at the date of his birth if at that date his father is, or would but for his death have been, a citizen of Kiribati. (Art. 25)

Any women who after the day prior to Independence Day marries a person who is or become a citizen of Kiribati shall be entitled, upon making application in such manner as may be prescribed, to be registered as a citizen of Kiribati. (Art. 26)

1) Subject to the provisions of subsections (4), (5) and (8) of this section, no law shall make any provision that is discriminatory either of itself or in its effect. |

2) Subject to the provisions of subsections (6), (7) and (8) of this section, no person shall be treated in a discriminatory manner by any person acting by virtue of any written law or in the performance of the functions of any public office or any public authority.

85 According to Art. 29: “(1) For the purpose of this Chapter— (a) “a person of I-Kiribati descent” means a person one of whose ancestors was born in Kiribati before 1900; (b) “an eligible person” means a person who on the day prior to Independence Day— (i) is a citizen of the United Kingdom and Colonies, and (ii) has no other nationality, provided that— (iii) neither he, his father nor his father’s father was born in the United Kingdom or was registered or naturalized in the United Kingdom as a citizen of the United Kingdom and Colonies or a British subject; (c) any reference to the father of a person shall, in relation to a person born out of wedlock, be construed as a reference to the mother of that person;…”
### Employment

1) Subject to the provisions of subsections (4), (5) and (8) of this section, no law shall make any provision that is discriminatory either of itself or in its effect.

2) Subject to the provisions of subsections (6), (7) and (8) of this section, no person shall be treated in a discriminatory manner by any person acting by virtue of any written law or in the performance of the functions of any public office or any public authority.

3) In this section, the expression “discriminatory” means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, place of origin, political opinions, colour or creed whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description.

4) Subsection (1) of this section shall not apply to any law so far as that law makes provision—

- (c) for the application, in the case of persons of any such description as is mentioned in the preceding subsection (or of persons connected with such persons), of the law with respect to adoption, marriage, divorce, burial, devolution of property on death or other like matters that is the personal law applicable to persons of that description;
- (d) with respect to land, the tenure of land, the resumption and acquisition of land and other like purposes; or… (Art. 15)

### Marriage & Family Life

1) Subject to the provisions of subsections (4), (5) and (8) of this section, no law shall make any provision that is discriminatory either of itself or in its effect.

2) Subject to the provisions of subsections (6), (7) and (8) of this section, no person shall be treated in a discriminatory manner by any person acting by virtue of any written law or in the performance of the functions of any public office or any public authority.

3) In this section, the expression “discriminatory” means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, place of origin, political opinions, colour or creed whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description.

4) Subsection (1) of this section shall not apply to any law so far as that law makes provision—

- (c) for the application, in the case of persons of any such description as is mentioned in the preceding subsection (or of persons connected with such persons), of the law with respect to adoption, marriage, divorce, burial, devolution of property on death or other like matters that is the personal law applicable to persons of that description;… (Art. 15)

### Status of Religous/Customary Law

1) Subject to the provisions of subsections (4), (5) and (8) of this section, no law shall make any provision that is discriminatory either of itself or in its effect.

2) Subject to the provisions of subsections (6), (7) and (8) of this section, no person shall be treated in a discriminatory manner by any person acting by virtue of any written law or in the performance of the functions of any public office or any public authority.

3) In this section, the expression “discriminatory” means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, place of origin, political opinions, colour or creed whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description.

4) Subsection (1) of this section shall not apply to any law so far as that law makes provision—

- (a) for the imposition of taxation or the appropriation of revenue by the Government or any local authority or body for local purposes;
- (b) with respect to person who are not citizens of Kiribati;
- (c) for the application, in the case of persons of any such description as is mentioned in the preceding subsection (or of persons connected with such persons), of the law with respect to adoption, marriage, divorce, burial, devolution of property on death or other like matters that is the personal law applicable to persons of that description;… (Art. 15)
### Constitution of the Republic of the Marshall Islands 1979, as amended to 1995

**English**

#### Non-Discrimination

1. All persons are equal under the law and are entitled to the equal protection of the laws.
2. No law and no executive or judicial action shall, either expressly, or in its practical application, discriminate against any person on the basis of gender, race, color, language, religion, political or other opinion, national or social origin, place of birth, family status or descent.
3. Nothing in this Section shall be deemed to preclude non-arbitrary preferences for citizens pursuant to law. (Art. II, Section 12)

#### Citizenship & Nationality

1. All persons are equal under the law and are entitled to the equal protection of the laws.
2. No law and no executive or judicial action shall, either expressly, or in its practical application, discriminate against any person on the basis of gender, race, color, language, religion, political or other opinion, national or social origin, place of birth, family status or descent.
3. Nothing in this Section shall be deemed to preclude non-arbitrary preferences for citizens pursuant to law. (Art. II, Section 12)

1. A person who, immediately before the effective date of this Constitution, was a citizen of the Trust Territory shall on that date become a citizen of the Republic of the Marshall Islands, if he or either of his parents has land rights.
2. A person born on or after the effective date of this Constitution shall be a citizen of the Republic if:
   - (a) at the date of his birth, either of his parents is a citizen of the Republic; or
   - (b) he is born in the Republic and is not at his birth entitled to be or become a citizen of any other country.
3. In case of doubt, an application for a declaration that any person is, pursuant to this Section, a citizen of the Republic may be made to and ruled on by the High Court. (Art. XI, Section 1)

1. Unless disqualified pursuant to paragraph (3) of this Section, any person who is not a citizen of the Republic of the Marshall Islands shall become a citizen by registration if, upon application, the High Court is satisfied either:
   - (a) that he has land rights; or
   - (b) that he has been resident in the Republic for not less than 3 years, and is the parent of a child who is a citizen of the Republic; or
   - (c) that he is of Marshallese descent, and that in the interests of justice his application should be granted.

#### Equal Before the Law

1. All persons are equal under the law and are entitled to the equal protection of the laws
2. Nothing in this Section shall be deemed to preclude non-arbitrary preferences for citizens pursuant to law. (Art. II, Section 12)

#### Status of Religious/Customary Law

1. Subject to paragraph (8) of this Section, the Clerk of the Nitijela shall transmit to the Clerk of the Council of Iroij, for reference to the Council, a copy of every Bill adopted on third reading by the Nitijela.
2. The Council of Iroij may, within 7 days after the date of such transmittal, adopt a resolution expressing its opinion that a Bill so transmitted to the Council affects the customary law or a traditional practice, or land tenure, or a related matter, and requesting the Nitijela to reconsider the Bill, or it may sooner, by writing signed by the Chairman of the Council, record its decision not to adopt any such resolution. (Art. III, Section 3)

1. The Traditional Rights Court shall be a court of record; shall consist of panels of 3 or more judges selected so as to include a fair representation of all classes of land rights, including, where applicable, the Iroijiaplap, Iroijedrik, Alap and Dri Jerbal; and shall sit at such times and places and be chosen on such a geographical basis, as to ensure fair and knowledgeable exercise of the jurisdiction conferred by this Section.
2. The jurisdiction of the Traditional Rights Court shall be limited to the determination of questions relating to titles or to land rights or to other legal interests depending wholly or partly on customary law and traditional practice in the Republic of the Marshall Islands. (Art. VI, Section 4)

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86 Available at: [http://www.rminitijela.org/constitution/rmiconstitution.pdf](http://www.rminitijela.org/constitution/rmiconstitution.pdf) (last visited May 10, 2012). According to Art. XIV Section 5: “The Marshallese and English texts of this Constitution shall be equally authentic, but, in case of difference, the Marshallese text shall prevail.” However, a Marshallese text of the Constitution does not appear to be publicly available.

87 According to Art. XIV Section 1: “Customary law” means any custom having the force of law in the Republic of the Marshall Islands; and includes any Act declaring the customary law.”
Nothing in Article II\(^8\) shall be construed to invalidate the customary law or any traditional practice concerning land tenure or any related matter in any part of the Republic of the Marshall Islands, including, where applicable, the rights and obligations of the Iroijlaplap, Iroijedrik, Alap and Dri Jerbal.

Without prejudice to the continued application of the customary law pursuant to Section 1 of Article XIII, and subject to the customary law or to any traditional practice in any part of the Republic, it shall not be lawful or competent for any person having any right in any land in the Republic, under the customary law or any traditional practice to make any alienation or disposition of that land, whether by way of sale, mortgage, lease, license or otherwise, without the approval of the Iroijlaplap, Iroijedrik where necessary, Alap and the Senior Dri Jerbal of such land, who shall be deemed to represent all persons having an interest in that land.

Nothing in this Constitution shall be construed so as to preclude its application to every place within the traditional boundaries of the archipelago of the Republic. (Art. X, Section 1)

In the exercise of its legislative functions, it shall be the responsibility of the Nitijela, whenever and to the extent considered appropriate, to declare, by Act, the customary law in the Republic of the Marshall Islands or in any part thereof. The customary law so declared may include any provisions which, in the opinion of the Nitijela, are necessary or desirable to supplement the established rules of customary law or to take account of any traditional practice.

This Section shall not be construed to authorize the making of any law that would defeat an otherwise valid claim under Article II.\(^9\)

The Nitijela shall not proceed further than the first reading of any Bill or amendment to a Bill which, in the opinion of the Speaker, makes provision for any declaration pursuant to paragraph (1) of this Section unless a joint committee of the Council of Iroij and the Nitijela has been afforded a reasonable opportunity to make a report on the matters dealt within that Bill or amendment, and any such report has been published. (Art. X, Section 2)

The enumeration in this Constitution of certain rights shall not be construed to deny or disparage others retained by the people. (Art. II, Section 17)
<table>
<thead>
<tr>
<th>Citizenship &amp; Nationality</th>
<th>A person born of parents one or both of whom are citizens of the Federated States of Micronesia is a citizen and national of the Federated States by birth. (Art. III, Section 2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Equal Before the Law</td>
<td>A person may not be deprived of life, liberty, or property without due process of law, or be denied the equal protection of the laws. (Art. IV, Section 3)</td>
</tr>
<tr>
<td></td>
<td>Equal protection of the laws may not be denied or impaired on account of sex, race, ancestry, national origin, language, or social status. (Art. IV, Section 4)</td>
</tr>
</tbody>
</table>
| Status of Religious/Customary Law | Section 1. Nothing in this Constitution takes away a role or function of a traditional leader as recognized by custom and tradition, or prevents a traditional leader from being recognized, honored, and given formal or functional roles at any level of government as may be prescribed by this Constitution or by statute.  
Section 2. The traditions of the people of the Federated States of Micronesia may be protected by statute. If challenged as violative of Article IV, protection of Micronesian tradition shall be considered a compelling social purpose warranting such governmental action.  
Section 3. The Congress may establish, when needed, a Chamber of Chiefs consisting of traditional leaders from each state having such leaders, and of elected representatives from states having no traditional leaders. The constitution of a state having traditional leaders may provide for an active, functional role for them. (Art. V) |
|                          | Court decisions shall be consistent with this Constitution, Micronesian customs and traditions, and the social and geographical configuration of Micronesia. In rendering a decision, a court shall consult and apply sources of the Federated States of Micronesia. (Art. XI, Section 11) |

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90 Available at: http://www.fsmlaw.org/fsm/constitution/constitution.htm (last visited May 10, 2012).
91 Art. IV: Declaration of Rights.
**Constitution of Nauru 1968**

**English**

| Equality | Whereas every person in Nauru is entitled to the fundamental rights and freedoms of the individual, that is to say, has the right, whatever his race, place of origin, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, to each and all of the following freedoms, namely:-
| (a) life, liberty, security of the person, the enjoyment of property and the protection of the law;  
(b) freedom of conscience, of expression and of peaceful assembly and association; and  
(c) respect for his private and family life,  
the subsequent provisions of this Part have effect for the purpose of affording protection to those rights and freedoms, subject to such limitations of that protection as are contained in those provisions, being limitations designed to ensure that the enjoyment of those rights and freedoms by a person does not prejudice the rights and freedoms of other persons or the public interest. (Art. 3) |

| Political Participation & Freedom of Association | Whereas every person in Nauru is entitled to the fundamental rights and freedoms of the individual, that is to say, has the right, whatever his race, place of origin, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, to each and all of the following freedoms, namely:-
| (b) freedom of conscience, of expression and of peaceful assembly and association; … the subsequent provisions of this Part have effect for the purpose of affording protection to those rights and freedoms, subject to such limitations of that protection as are contained in those provisions, being limitations designed to ensure that the enjoyment of those rights and freedoms by a person does not prejudice the rights and freedoms of other persons or the public interest. (Art. 3) |

| Citizenship & Nationality | …Persons born on or after 31 January 1968  
72. (1.) A person born on or after the thirty-first day of January One thousand nine hundred and sixty-eight is a Nauruan citizen if his parents were Nauruan citizens at the date of his birth.  
(2.) A person born on or after the thirty-first day of January One thousand nine hundred and sixty-eight is a Nauruan citizen if he is born of a marriage between a Nauruan citizen and a Pacific Islander and neither parent has within seven days after the birth of that person exercised a right prescribed by law in the manner prescribed by law to determine that that person is not a Nauruan citizen.  
Women married to Nauruan Citizens  
74. A woman, not being a Nauruan citizen, who is married to a Nauruan citizen or has been married to a man who was, throughout the subsistence of the marriage, a Nauruan citizen, is entitled, upon making application in such manner as is prescribed by law, to become a Nauruan citizen… (Part VIII) |

| Marriage & Family Life | Whereas every person in Nauru is entitled to the fundamental rights and freedoms of the individual, that is to say, has the right, whatever his race, place of origin, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, to each and all of the following freedoms, namely:-
| (c) respect for his private and family life, the subsequent provisions of this Part have effect for the purpose of affording protection to those rights and freedoms, subject to such limitations of that protection as are contained in those provisions, being limitations designed to ensure that the enjoyment of those rights and freedoms by a person does not prejudice the rights and freedoms of other persons or the public interest. (Art. 3) |

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92 Available at: [http://www.naurugov.nr/parliament/constitution.html](http://www.naurugov.nr/parliament/constitution.html) (last visited May 10, 2012). According to Art. 81(5): “In this Constitution, unless the context otherwise requires- (a) words importing the masculine gender shall be taken to include females.” Note that a constitutional reform process was launched in 2004 but defeated by referendum in 2010 ([http://www.naurugov.nr/parliament/projects/constitution/index.html](http://www.naurugov.nr/parliament/projects/constitution/index.html); [http://www.loc.gov/lawweb/servlet/lloc_news?disp3_l205401850_text](http://www.loc.gov/lawweb/servlet/lloc_news?disp3_l205401850_text)). While a number of government sites and media articles reference the possibility of subsequent constitutional changes not requiring a referendum, these changes do not seem to have been adopted.
(1) Anything done or omitted which would otherwise constitute a breach of any of the provisions of this Part shall not constitute such a breach if—
(a) it is done or omitted in good faith for the purpose of assisting or advancing persons or groups of persons, being in each case persons against whom discrimination is unlawful by virtue of this Part; and
(b) those persons or groups need or may reasonably be supposed to need assistance or advancement in order to achieve an equal place with other members of the community.
(2) Nothing in this Part—
(a) limits the power of the Crown to establish or arrange work or training schemes or employment assistance measures, eligibility for which may, in whole or in part, be determined by a person’s age, employment status, or family status; or
(b) makes it unlawful for any person to recruit or refer any other person who is of a particular age or of a particular employment status or of a particular family status for any work or training scheme or employment assistance measure that is established or arranged by the Crown, the eligibility for which may, in whole or in part, be determined by a person’s age, employment status, or family status. (Sec. 73)

(1) Everyone has the right to freedom from discrimination on the grounds of discrimination in the Human Rights Act 1993.
(2) Measures taken in good faith for the purpose of assisting or advancing persons or groups of persons disadvantaged because of discrimination that is unlawful by virtue of Part 2 of the Human Rights Act 1993 do not constitute discrimination. (Sec. 19)

The purpose of this Part is to provide that, in general, an act or omission that is inconsistent with the right to freedom from discrimination affirmed by section 19 of the New Zealand Bill of Rights Act 1990 is in breach of this Part if the act or omission is that of a person or body referred to in section 3 of the New Zealand Bill of Rights Act 1990. (Sec. 20)

(1) For the purposes of this Act, the prohibited grounds of discrimination are—
(a) sex, which includes pregnancy and childbirth:
(b) marital status, which means being—
(i) single; or


94 Part 2: Unlawful Discrimination.
97 According to Art. 3: “(a) the legislative, executive, or judicial branch of the Government of New Zealand; or (b) a person or body in the performance of any public function, power, or duty conferred or imposed on that person or body by or pursuant to law.”
(ii) married, in a civil union, or in a de facto relationship; or
(iii) the surviving spouse of a marriage or the surviving partner of a civil union or de facto relationship; or
(iv) separated from a spouse or civil union partner; or
(v) a party to a marriage or civil union that is now dissolved, or to a de facto relationship that is now ended;
(c) religious belief:
(d) ethical belief, which means the lack of a religious belief, whether in respect of a particular religion or religions or all religions:
(e) colour:
(f) race:
(g) ethnic or national origins, which includes nationality or citizenship:
(h) disability, which means—
(i) physical disability or impairment:
(ii) physical illness:
(iii) psychiatric illness:
(iv) intellectual or psychological disability or impairment:
(v) any other loss or abnormality of psychological, physiological, or anatomical structure or function:
(vi) reliance on a guide dog, wheelchair, or other remedial means:
(vii) the presence in the body of organisms capable of causing illness:
(i) age, which means—
(ii) for the purposes of sections 22 to 41 and section 70 and in relation to any different treatment based on age that occurs in the period beginning with 1 February 1994 and ending with the close of 31 January 1999, any age commencing with the age of 16 years and ending with the date on which persons of the age of the person whose age is in issue qualify for national superannuation under section 7 of the New Zealand Superannuation and Retirement Income Act 2001 (irrespective of whether or not the particular person qualifies for national superannuation at that age or any other age):
(iii) for the purposes of sections 22 to 41 and section 70 and in relation to any different treatment based on age that occurs on or after 1 February 1999, any age commencing with the age of 16 years:
(j) political opinion, which includes the lack of a particular political opinion or any political opinion:
(k) employment status, which means—
(i) being unemployed; or
(ii) being a recipient of a benefit under the Social Security Act 1964 or an entitlement under the Accident Compensation Act 2001:
(l) family status, which means—
(i) having the responsibility for part-time care or full-time care of children or other dependants; or
(ii) having no responsibility for the care of children or other dependants; or
(iii) being married to, or being in a civil union or de facto relationship with, a particular person; or
(iv) being a relative of a particular person:
(m) sexual orientation, which means a heterosexual, homosexual, lesbian, or bisexual orientation.
(2) Each of the grounds specified in subsection (1) is a prohibited ground of discrimination, for the purposes of this Act, if—
(a) it pertains to a person or to a relative or associate of a person; and
(b) it either—
(i) currently exists or has in the past existed; or
(ii) is suspected or assumed or believed to exist or to have existed by the person alleged to have discriminated. (Sec. 21) 99

(1) It shall be unlawful for any person—
(a) to refuse to allow any other person access to or use of any place or vehicle which members of the public are entitled or allowed to enter or use; or
(b) to refuse any other person the use of any facilities in that place or vehicle which are available to members of the public; or
(c) to require any other person to leave or cease to use that place or vehicle or those facilities,— by reason of any of the prohibited grounds of discrimination.
(2) In this section the term vehicle includes a vessel, an aircraft, or a hovercraft. (Sec. 42) 100

(1) Section 42 shall not prevent the maintenance of separate facilities for each sex on the ground of public decency or public safety.
(2) Nothing in section 42 requires any person to provide for any person, by reason of the disability of that person, special services or special facilities to enable any such person to gain access to or use any place or vehicle when it would not be reasonable to require the provision of such special services or facilities.
(3) Nothing in subsection (2) limits section 118 of the Building Act 2004… (Sec. 43) 101

(1) It shall be unlawful for any person who supplies goods, facilities, or services to the public or to any section of the public—
(a) to refuse or fail on demand to provide any other person with those goods, facilities, or services; or
(b) to treat any other person less favourably in connection with the provision of those goods, facilities, or services than would otherwise be the case,— by reason of any of the prohibited grounds of discrimination.
(2) For the purposes of subsection (1), but without limiting the meaning of the terms goods, facilities, and services in that subsection, the term facilities includes facilities by way of banking or insurance or for grants, loans, credit, or finance.
(3) Where any club, or any branch or affiliate of any club, that grants privileges to members of any other club, branch, or affiliate refuses or fails on demand to provide those privileges to any of those members, or treats any of those members less favourably in connection with the provision of those privileges than would otherwise be the case, by reason of any of the prohibited grounds of discrimination, that club, branch, or affiliate shall be deemed to have committed a breach of this section.
(4) Subject to subsection (3), nothing in this section shall apply to access to membership of a club or to the provision of services or facilities to members of a club. (Sec. 44) 102

45 Exception in relation to courses and counseling Nothing in section 44 shall prevent the holding of courses, or the provision of counselling, restricted to persons of a particular sex, race, ethnic or national origin, or sexual orientation where highly personal matters, such as sexual matters or the prevention of violence, are involved. 103

46 Exception in relation to public decency or safety Section 44 shall not apply to the maintenance or provision of separate facilities or services for each sex on the ground of public decency or public safety. 104

47 Exception in relation to skill Where the nature of a skill varies according to whether it is exercised in relation to men or women, a person does not commit a breach of section 44 by exercising the skill in relation to one sex only, in accordance with that person’s normal practice. 105

48 Exception in relation to insurance
(1) It shall not be a breach of section 44 to offer or provide annuities, life insurance policies, accident insurance policies, or other policies of insurance, whether for

100 Human Rights Act 1993, reprinted as of 2011.
individual persons or groups of persons, on different terms or conditions for each sex or for persons with a disability or for persons of different ages if the different treatment—

(a) is based on—

(i) actuarial or statistical data, upon which it is reasonable to rely, relating to life-expectancy, accidents, or sickness; or (ii) where no such data is available in respect of persons with a disability, reputable medical or actuarial advice or opinion, upon which it is reasonable to rely, whether or not contained in an underwriting manual; and

(b) is reasonable having regard to the applicability of the data or advice or opinion, and of any other relevant factors, to the particular circumstances.

(2) In assessing, for the purposes of this section, whether it is reasonable to rely on any data or advice or opinion, and whether different treatment is reasonable, the Commission or the Complaints Division may—

(a) require justification to be provided for reliance on the data or advice or opinion and for the different treatment; and

(b) request the views of an actuary on the justification for the reliance and for the different treatment. 106

49 Exception in relation to sport

(1) Subject to subsection (2), nothing in section 44 shall prevent the exclusion of persons of one sex from participation in any competitive sporting activity in which the strength, stamina, or physique of competitors is relevant.

(2) Subsection (1) does not apply in relation to the exclusion of persons from participation in—

(a) the coaching of persons engaged in any sporting activity;

or

(b) the umpiring or refereeing of any sporting activity;

or

(c) the administration of any sporting activity;

or

(d) sporting activities by persons who have not attained the age of 12 years.

(3) It shall not be a breach of section 44 to exclude any person from any competitive sporting event or activity if that person’s disability is such that there would be a risk of harm to that person or to others, including the risk of infecting others with an illness, if that person were to take part in that competitive sporting event or activity and it is not reasonable to take that risk.

(4) It shall not be a breach of section 44 to conduct competitive sporting events or activities in which only persons with a particular disability or age qualification may take part. 107


Exception in relation to hostels, institutions, etc Nothing in section 53 shall apply to accommodation in any hostel or in any establishment (such as a hospital, club, school, university, religious institution, or retirement village), or in any part of a hostel or any such establishment, where accommodation is provided only for persons of the same sex, marital status, or religious or ethical belief, or for persons with a particular disability, or for persons in a particular age group. (Sec. 55) 109

| (1) It shall be unlawful for any person (in the course of that person’s involvement in any of the areas to which this subsection is applied by subsection (3)) to make a request of any other person for sexual intercourse, sexual contact, or other form of sexual activity which contains an implied or overt promise of preferential treatment or an implied or overt threat of detrimental treatment. |
| (2) It shall be unlawful for any person (in the course of that person’s involvement in any of the areas to which this subsection is applied by subsection (3)) by the use of language (whether written or spoken) of a sexual nature, or of visual material of a sexual nature, or by physical behaviour of a sexual nature, to subject any other person to behaviour that— |
| (a) is unwelcome or offensive to that person (whether or not that is conveyed to the first-mentioned person); and |
| (b) is either repeated, or of such a significant nature, that it has a detrimental effect on that person in respect of any of the areas to which this subsection is applied by subsection (3). |

(3) The areas to which subsections (1) and (2) apply are—
| (a) the making of an application for employment: |
| (b) employment, which term includes unpaid work: |
| (c) participation in, or the making of an application for participation in, a partnership: |
| (d) membership, or the making of an application for membership, of an industrial union or professional or trade association: |
| (e) access to any approval, authorisation, or qualification: |
| (f) vocational training, or the making of an application for vocational training: |
| (g) access to places, vehicles, and facilities: |
| (h) access to goods and services: |
| (i) access to land, housing, or other accommodation: |
| (j) education. |

(4) Where a person complains of sexual harassment, no account shall be taken of any evidence of the person’s sexual experience or reputation. (Sec. 62) 110

Where any conduct, practice, requirement, or condition that is not apparently in contravention of any provision of this Part111 has the effect of treating a person or group of persons differently on 1 of the prohibited grounds of discrimination in a situ-ation where such treatment would be unlawful under any provision of this Part other than this section, that conduct, practice, condition, or requirement shall be unlawful under that provision unless the person whose conduct or practice is in issue, or who imposes the condition or requirement, establishes good reason for it. (Sec. 65)112

(1) Where—
| (a) a request of the kind described in section 62(1) is made to an employee; or |
| (b) an employee is subjected to behaviour of the kind described in section 62(2) or section 63— by a person who is a customer or a client of the employee’s employer, the employee may make a complaint in writing about that request or behaviour to the employee’s employer. |

(2) The employer, on receiving a complaint under subsection (1),—
| (a) shall inquire into the facts; and |
(b) if satisfied that such a request was made or that such behaviour took place,—shall take whatever steps are practicable to prevent any repetition of such a request or of such behaviour.

(3) Where any person, being a person in relation to whom an employee has made a complaint under subsection (1),—
   (a) either—
      (i) makes to that employee after the complaint a request of the kind described in section 62(1); or
      (ii) subjects that employee after the complaint to behavior of the kind described in section 62(2) or section 63; and
   (b) the employer of that employee has not taken whatever steps are practicable to prevent the repetition of such a request or such behaviour,—that employer shall be deemed to have committed a breach of this Act and the provisions of this Act shall apply accordingly. (Sec. 69) 113

**Political Participation & Freedom of Association**

(1) It shall be unlawful for any person (in the course of that person's involvement in any of the areas to which this subsection is applied by subsection (3)) to make a request of any other person for sexual intercourse, sexual contact, or other form of sexual activity which contains an implied or overt promise of preferential treatment or an implied or overt threat of detrimental treatment.

(2) It shall be unlawful for any person (in the course of that person's involvement in any of the areas to which this subsection is applied by subsection (3)) by the use of language (whether written or spoken) of a sexual nature, or of visual material of a sexual nature, or by physical behaviour of a sexual nature, to subject any other person to behaviour that—
   (a) is unwelcome or offensive to that person (whether or not that is conveyed to the first-mentioned person); and
   (b) is either repeated, or of such a significant nature, that it has a detrimental effect on that person in respect of any of the areas to which this subsection is applied by subsection (3).

(3) The areas to which subsections (1) and (2) apply are— … (d) membership, or the making of an application for membership, of an industrial union or professional or trade association:…

(4) Where a person complains of sexual harassment, no account shall be taken of any evidence of the person's sexual experience or reputation. (Sec. 62) 114

**Education**

(1) It shall be unlawful for an educational establishment, or the authority responsible for the control of an educational establishment, or any person concerned in the management of an educational establishment or in teaching at an educational establishment,—
   (a) to refuse or fail to admit a person as a pupil or student;
   (b) to admit a person as a pupil or a student on less favourable terms and conditions than would otherwise be made available; or
   (c) to deny or restrict access to any benefits or services provided by the establishment; or
   (d) to exclude a person as a pupil or a student or subject him or her to any other detriment,— by reason of any of the prohibited grounds of discrimination.

(2) In this section educational establishment includes an establishment offering any form of training or instruction and an educational establishment under the control of an organization or association referred to in section 40. (Sec. 57)115

(1) An educational establishment maintained wholly or principally for students of one sex, race, or religious belief, or for students with a particular disability, or for students in a particular age group, or the authority responsible for the control of any such establishment, does not commit a breach of section 57 by refusing to admit students of a different sex, race, or religious belief, or students not having that disability or not being in that age group. (Sec. 58)116

Nothing in section 57 shall prevent the holding or provision, at any educational establishment, of courses or counselling restricted to persons of a particular sex, race, ethnic or national origin, or sexual orientation, where highly personal matters, such as sexual matters or the prevention of violence, are involved. (Sec. 59) 117

(1) It shall be unlawful for any person (in the course of that person’s involvement in any of the areas to which this subsection is applied by subsection (3)) to make a request of any other person for sexual intercourse, sexual contact, or other form of sexual activity which contains an implied or overt promise of preferential treatment or an implied or overt threat of detrimental treatment.

(2) It shall be unlawful for any person (in the course of that person’s involvement in any of the areas to which this subsection is applied by subsection (3)) by the use of language (whether written or spoken) of a sexual nature, or of visual material of a sexual nature, or by physical behaviour of a sexual nature, to subject any other person to behaviour that—
(a) is unwelcome or offensive to that person (whether or not that is conveyed to the first-mentioned person); and
(b) is either repeated, or of such a significant nature, that it has a detrimental effect on that person in respect of any of the areas to which this subsection is applied by subsection (3).

(3) The areas to which subsections (1) and (2) apply are—...[j] education.

(4) Where a person complains of sexual harassment, no account shall be taken of any evidence of the person’s sexual experience or reputation. (Sec. 62)

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Employment

(1) Where an applicant for employment or an employee is qualified for work of any description, it shall be unlawful for an employer, or any person acting or purporting to act on behalf of an employer,—
(a) to refuse or omit to employ the applicant on work of that description which is available; or
(b) to offer or afford the applicant or the employee less favourable terms of employment, conditions of work, superannuation or other fringe benefits, and opportunities for training, promotion, and transfer than are made available to applicants or employees of the same or substantially similar capabilities employed in the same or substantially similar circumstances on work of that description; or
(c) to terminate the employment of the employee, or subject the employee to any detriment, in circumstances in which the employment of other employees employed on work of that description would not be terminated, or in which other employees employed on work of that description would not be subjected to such detriment; or
(d) to retire the employee, or to require or cause the employee to retire or resign,— by reason of any of the prohibited grounds of discrimination.

(2) It shall be unlawful for any person concerned with procuring employment for other persons or procuring employees for any employer to treat any person seeking employment differently from other persons in the same or substantially similar circumstances by reason of any of the prohibited grounds of discrimination. (Sec. 22)

It shall be unlawful for any person to use or circulate any form of application for employment or to make any inquiry of or about any applicant for employment which indicates, or could reasonably be understood as indicating, an intention to commit a breach of section 22. (Sec. 23)

Exception in relation to work performed outside New Zealand

Nothing in section 22 shall prevent different treatment based on sex, religious or ethical belief, or age if the duties of the position in respect of which that treatment is accorded—(a) are to be performed wholly or mainly outside New Zealand; and (b) are such that, because of the laws, customs, or practices of the country in which those duties are to be performed, they are ordinarily carried out only by a person who is of a particular sex or religious or ethical belief, or who is in a particular age group. (Sec. 26)

Exceptions in relation to authenticity and privacy

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119 Human Rights Act 1993, reprinted as of 2011. See also prohibition on “Discrimination in partnerships” (Sec. 36) and “Discrimination by industrial and professional associations, qualifying bodies, and vocational training Bodies” (Secs. 37-41).
121 According to Article 35: “General qualification on exceptions. No employer shall be entitled, by virtue of any of the exceptions in this Part, to accord to any person in respect of any position different treatment based on a prohibited ground of discrimination even though some of the duties of that position would fall within any of those exceptions if, with some adjustment of the activities of the employer (not being an adjustment involving unreasonable disruption of the activities of the employer), some other employee could carry out those particular duties.”
1. Nothing in section 22 shall prevent different treatment based on sex or age where, for reasons of authenticity, being of a particular sex or age is a genuine occupational qualification for the position or employment.

2. Nothing in section 22 shall prevent different treatment based on sex, religious or ethical belief, disability, age, political opinion, or sexual orientation where the position is one of domestic employment in a private household.

3. Nothing in section 22 shall prevent different treatment based on sex where—
   (a) the position needs to be held by one sex to preserve reasonable standards of privacy; or
   (b) the nature or location of the employment makes it impracticable for the employee to live elsewhere than in premises provided by the employer, and—
      (i) the only premises available (being premises in which more than 1 employee is required to sleep) are not equipped with separate sleeping accommodation for each sex; and
      (ii) it is not reasonable to expect the employer to equip those premises with separate accommodation, or to provide separate premises, for each sex.

4. Nothing in section 22 shall prevent different treatment based on sex, race, ethnic or national origins, or sexual orientation where the position is that of a counsellor on highly personal matters such as sexual matters or the prevention of violence.

5. Where, as a term or condition of employment, a position ordinarily obliges or qualifies the holder of that position to live in premises provided by the employer, the employer does not commit a breach of section 22 by omitting to apply that term or condition in respect of employees of a particular sex or marital status if in all the circumstances it is not reasonably practicable for the employer to do so. (Sec. 27)

1. Nothing in section 22 shall prevent different treatment based on sex where the position is for the purposes of an organized religion and is limited to one sex so as to comply with the doctrines or rules or established customs of the religion.

2. Nothing in section 22 shall prevent different treatment based on religious or ethical belief where—
   (a) that treatment is accorded under section 65 of the Private Schools Conditional Integration Act 1975; or
   (b) the sole or principal duties of the position (not being a position to which section 65 of the Private Schools Conditional Integration Act 1975 applies)—
      (i) are, or are substantially the same as, those of a clergyman, priest, pastor, official, or teacher among adherents of that belief or otherwise involve the propagation of that belief; or
      (ii) are those of a teacher in a private school; or
      (iii) consist of acting as a social worker on behalf of an organisation whose members comprise solely or principally adherents of that belief.

3. Where a religious or ethical belief requires its adherents to follow a particular practice, an employer must accommodate the practice so long as any adjustment of the employer’s activities required to accommodate the practice does not unreasonably disrupt the employer’s activities. (Sec. 28)

1. It shall be unlawful for any person (in the course of that person’s involvement in any of the areas to which this subsection is applied by subsection (3)) to make a request of any other person for sexual intercourse, sexual contact, or other form of sexual activity which contains an implied or overt promise of preferential treatment or an implied or overt threat of detrimental treatment.

2. It shall be unlawful for any person (in the course of that person’s involvement in any of the areas to which this subsection is applied by subsection (3)) by the use of language (whether written or spoken) of a sexual nature, or of visual material of a sexual nature, or by physical behaviour of a sexual nature, to subject any other person to behaviour that—
   (a) is unwelcome or offensive to that person (whether or not that is conveyed to the first-mentioned person); and
   (b) is either repeated, or of such a significant nature, that it has a detrimental effect on that person in respect of any of the areas to which this subsection is applied by subsection (3).

3. The areas to which subsections (1) and (2) apply are—
   (a) the making of an application for employment;
   (b) employment, which term includes unpaid work:

(c) participation in, or the making of an application for participation
   in, a partnership:
(d) membership, or the making of an application for membership, of an industrial union or professional or trade association:
(e) access to any approval, authorisation, or qualification:
(f) vocational training, or the making of an application for vocational training:…
(4) Where a person complains of sexual harassment, no account shall be taken of any evidence of the person’s sexual experience or reputation. (Sec. 62)125

(1) Anything done or omitted which would otherwise constitute a breach of any of the provisions of this Part126 shall not constitute such a breach if—
   (a) it is done or omitted in good faith for the purpose of assisting or advancing persons or groups of persons, being in each case persons against whom discrimination is unlawful by virtue of this Part; and
   b) those persons or groups need or may reasonably be supposed to need assistance or advancement in order to achieve an equal place with other members of the community.
(2) Nothing in this Part—
   (a) limits the power of the Crown to establish or arrange work or training schemes or employment assistance measures, eligibility for which may, in whole or in part, be determined by a person’s age, employment status, or family status; or
   (b) makes it unlawful for any person to recruit or refer any other person who is of a particular age or of a particular employment status or of a particular family status for any work or training scheme or employment assistance measure that is established or arranged by the Crown, the eligibility for which may, in whole or in part, be determined by a person’s age, employment status, or family status. (Sec. 73)127

Marriage & Family Life
(1) Anything done or omitted which would otherwise constitute a breach of any of the provisions of this Part128 shall not constitute such a breach if—
   (a) it is done or omitted in good faith for the purpose of assisting or advancing persons or groups of persons, being in each case persons against whom discrimination is unlawful by virtue of this Part; and
   b) those persons or groups need or may reasonably be supposed to need assistance or advancement in order to achieve an equal place with other members of the community.
(2) Nothing in this Part—
   (a) limits the power of the Crown to establish or arrange work or training schemes or employment assistance measures, eligibility for which may, in whole or in part, be determined by a person’s age, employment status, or family status; or
   (b) makes it unlawful for any person to recruit or refer any other person who is of a particular age or of a particular employment status or of a particular family status for any work or training scheme or employment assistance measure that is established or arranged by the Crown, the eligibility for which may, in whole or in part, be determined by a person’s age, employment status, or family status. (Sec. 73)129

For the avoidance of doubt it is hereby declared that preferential treatment granted by reason of—
   (a) a woman’s pregnancy or childbirth; or
   (b) a person’s responsibility for part-time care or full-time care of children or other dependants— shall not constitute a breach of this Part. (Sec. 74)130

126 Part 2: Unlawful Discrimination.
(1) The primary functions of the [Human Rights] Commission are— (a) to advocate and promote respect for, and an understanding and appreciation of, human rights in New Zealand society; and …. (k) to report to the Prime Minister on—
(i) any matter affecting human rights, including the desirability of legislative, administrative, or other action to give better protection to human rights and to ensure better compliance with standards laid down in international instruments on human rights; (ii) the desirability of New Zealand becoming bound by any international instrument on human rights:… (Sec. 5)\textsuperscript{131}

\textsuperscript{131} Human Rights Act 1993, reprinted as of 2011.

#### English

<table>
<thead>
<tr>
<th>Section</th>
<th>Text</th>
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<tbody>
<tr>
<td><strong>Non-Discrimination</strong></td>
<td>Section 5. Every person shall be equal under the law and shall be entitled to equal protection. The government shall take no action to discriminate against any person on the basis of sex, race, place of origin, language, religion or belief, social status or clan affiliation except for the preferential treatment of citizens, for the protection of minors, elderly, indigent, physically or mentally handicapped, and other similar groups, and in matters concerning intestate succession and domestic relations. No person shall be treated unfairly in legislative or executive investigations. (Art. IV)</td>
</tr>
<tr>
<td><strong>Public Authorities, Institutions &amp; Services</strong></td>
<td>Accused persons lawfully detained shall be separated from convicted criminals and on the basis of sex and age… (Art. IV, Section 7)</td>
</tr>
</tbody>
</table>
| **Citizenship & Nationality** | Section 1. A person who is a citizen of the Trust Territory of the Pacific Islands immediately prior to the effective date of this Constitution and who has at least one parent of recognized Palauan ancestry is a citizen of Palau.  
Section 2. A person born of parents, one or both of whom are citizens of Palau is a citizen of Palau by birth, and shall remain a citizen of Palau so long as the person is not or does not become a citizen of any other nation…  
Section 4. A person born of parents, one or both of whom are of recognized Palauan ancestry, shall have the right to enter and reside in Palau and to enjoy other rights and privileges as provided by law, which shall include the right to petition to become a naturalized citizen of Palau; provided, that prior to, becoming a naturalized citizen, a person must renounce his citizenship of another nation. There shall be no citizenship by naturalization except pursuant to this section… (Art. III) |
| **Right to property/inheritance** | Section 5. Every person shall be equal under the law and shall be entitled to equal protection. The government shall take no action to discriminate against any person on the basis of sex, race, place of origin, language, religion or belief, social status or clan affiliation except for the preferential treatment of citizens, for the protection of minors, elderly, indigent, physically or mentally handicapped, and other similar groups, and in matters concerning intestate succession and domestic relations. No person shall be treated unfairly in legislative or executive investigations. (Art. IV) |
| **Equal Before the Law** | Section 5. Every person shall be equal under the law and shall be entitled to equal protection… (Art. IV) |
| **Marriage & Family Life** | Section 13. The government shall provide for marital and related parental rights, privileges and responsibilities on the basis of equality between men and women, mutual consent and cooperation. Parents or individuals acting in the capacity of parents shall be legally responsible for the support and for the unlawful conduct of their minor children as prescribed by law. (Art. IV) |

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<table>
<thead>
<tr>
<th>Religious/Customary Law</th>
<th>nonreligious purposes. (Art. IV)</th>
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<tbody>
<tr>
<td></td>
<td>Section 1. The government shall take no action to prohibit or revoke the role or function of a traditional leader as recognized by custom and tradition which is not inconsistent with this Constitution, nor shall it prevent a traditional leader from being recognized, honored, or given formal or functional roles at any level of government. Section 2. Statutes and traditional law shall be equally authoritative. In case of conflict between a statute and a traditional law, the statute shall prevail only to the extent it is not in conflict with the underlying principles of the traditional law. (Art. V)</td>
</tr>
</tbody>
</table>

#### Equality

WE HEREBY ACKNOWLEDGE that, subject to any restrictions imposed by law on non-citizens, all persons in our country are entitled to the fundamental rights and freedoms of the individual, that is to say, the right, whatever their race, tribe, places of origin, political opinion, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the legitimate public interest, to each of the following:

(a) life, liberty, security of the person and the protection of the law; and  
(b) the right to take part in political activities; and  
(c) freedom from inhuman treatment and forced labour; and  
(d) freedom of conscience, of expression, of information and of assembly and association; and  
(e) freedom of employment and freedom of movement; and  
(f) protection for the privacy of their homes and other property and from unjust deprivation of property, and have accordingly included in this Constitution provisions designed to afford protection to those rights and freedoms, subject to such limitations on that protection as are contained in those provisions, being limitations primarily designed to ensure that the enjoyment of the acknowledged rights and freedoms by an individual does not prejudice the rights and freedoms of others or the legitimate public interest. (Preamble, Basic Rights)

(1) Subject to this Constitution, all citizens have the same rights, privileges, obligations and duties irrespective of race, tribe, place of origin, political opinion, colour, creed, religion or sex.  
(2) Subsection (1) does not prevent the making of laws for the special benefit, welfare, protection or advancement of females, children and young persons, members of underprivileged or less advanced groups or residents of less advanced areas.  
(3) Subsection (1) does not affect the operation of a pre-Independence law. (Art. 55)

#### Public Authorities, Institutions & Services

We declare our second goal to be for all citizens to have an equal opportunity to participate in, and benefit from, the development of our country. WE ACCORDINGLY CALL FOR—  
(1) an equal opportunity for every citizen to take part in the political, economic, social, religious and cultural life of the country; and  
(2) the creation of political structures that will enable effective, meaningful participation by our people in that life, and in view of the rich cultural and ethnic diversity of our people for those structures to provide for substantial decentralization of all forms of government activity; and  
(3) every effort to be made to achieve an equitable distribution of incomes and other benefits of development among individuals and throughout the various parts of the country; and  
(4) equalization of services in all parts of the country, and for every citizen to have equal access to legal processes and all services, governmental and otherwise, that are required for the fulfilment of his or her real needs and aspirations; and  
(5) equal participation by women citizens in all political, economic, social and religious activities; and  
(6) the maximization of the number of citizens participating in every aspect of development; and  
(7) active steps to be taken to facilitate the organization and legal recognition of all groups engaging in development activities; and  
(8) means to be provided to ensure that any citizen can exercise his personal creativity and enterprise in pursuit of fulfilment that is consistent with the common good, and for no citizen to be deprived of this opportunity because of the predominant position of another; and  
(9) every citizen to be able to participate, either directly or through a representative, in the consideration of any matter affecting his interests or the interests of his community; and  
(10) all persons and governmental bodies of Papua New Guinea to ensure that, as far as possible, political and official bodies are so composed as to be broadly representative of citizens from the various areas of the country; and  
(11) all persons and governmental bodies to endeavour to achieve universal literacy in Pisin, Hiri Motu or English, and in “tok ples” or “ita eda tano gado”; and  
(12) recognition of the principles that a complete relationship in marriage rests on equality of rights and duties of the partners, and that responsible parenthood is based on

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133 Available at: [http://www.igr.gov.pg/constitution.pdf](http://www.igr.gov.pg/constitution.pdf) (“This is an official copy of the Legislation of PNG”) (last visited May 10, 2012). According to Sch.1.8. “In a Constitutional Law—(a) words importing the masculine gender include females; and (b) words in the singular include the plural and words in the plural include the singular.”
that equality. (Preamble, National Goals and Directive Principles)

**Political Participation & Freedom of Association**

2. Equality and participation. We declare our second goal to be for all citizens to have an equal opportunity to participate in, and benefit from, the development of our country. WE ACCORDINGLY CALL FOR—

1. an equal opportunity for every citizen to take part in the political, economic, social, religious and cultural life of the country;
2. the creation of political structures that will enable effective, meaningful participation by our people in that life, and in view of the rich cultural and ethnic diversity of our people for those structures to provide for substantial decentralization of all forms of government activity; and...
3. equal participation by women citizens in all political, economic, social and religious activities; and...
4. every citizen to be able to participate, either directly or through a representative, in the consideration of any matter affecting his interests or the interests of his community; and
5. all persons and governmental bodies of Papua New Guinea to ensure that, as far as possible, political and official bodies are so composed as to be broadly representative of citizens from the various areas of the country; and...

(1) An Organic Law shall make provision—

(h) authorizing the payment in certain circumstances of a percentage of electoral expenses incurred by a female candidate in an election. (Art. 129)

**Citizenship & Nationality**

WE HEREBY ACKNOWLEDGE that, subject to any restrictions imposed by law on non-citizens, all persons in our country are entitled to the fundamental rights and freedoms of the individual, that is to say, the right, whatever their race, tribe, places of origin, political opinion, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the legitimate public interest, to each of the following:

- life, liberty, security of the person and the protection of the law; and
- the right to take part in political activities; and
- freedom from inhuman treatment and forced labour; and
- freedom of conscience, of expression, of information and of assembly and association; and
- freedom of employment and freedom of movement; and
- protection for the privacy of their homes and other property and from unjust deprivation of property, and have accordingly included in this Constitution provisions designed to afford protection to those rights and freedoms, subject to such limitations on that protection as are contained in those provisions, being limitations primarily designed to ensure that the enjoyment of the acknowledged rights and freedoms by an individual does not prejudice the rights and freedoms of others or the legitimate public interest. (Preamble, Basic Rights)

(1) A person who—

(a) is born in the country on or after Independence Day; and
(b) had one parent who was a citizen or who, if he had survived to Independence Day, would have been or would have been entitled to become, such a citizen, is a citizen.

(2) A person—

(a) who is born outside the country on or after Independence Day; and
(b) who had one parent who was a citizen or who, if he had survived to Independence Day, would have been, or would have been entitled to become, such a citizen; and
(c) whose birth is registered as prescribed by or under an Act of the Parliament made for the purposes of this subsection, is a citizen. (Art. 66)

(1) A foundling discovered at any time in the country shall, in the absence of proof to the contrary, be deemed to be the child of parents at least one of whom was, or if he had survived would have been, a citizen.

(2) Where the identity or the citizenship status of a parent of a child born in the country is unknown or doubtful, the parent shall be deemed to have been, in the absence of proof to the contrary, a person who was, or if he had survived would have been, a citizen.

(3) For the purposes of this Part, a posthumous child of a person has the same status as he would have had if he had been born immediately before the date of the death of his father. (Art. 77)

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\(^{135}\) Division 3: Basic Rights.
**Marriage & Family Life**

1. Integral human development. We declare our first goal to be for every person to be dynamically involved in the process of freeing himself or herself from every form of domination or oppression so that each man or woman will have the opportunity to develop as a whole person in relationship with others. WE ACCORDINGLY CALL FOR—... (5) the family unit to be recognized as the fundamental basis of our society, and for every step to be taken to promote the moral, cultural, economic and social standing of the Melanesian family;... (Preamble, National Goals and Directive Principles)

2. Equality and participation. We declare our second goal to be for all citizens to have an equal opportunity to participate in, and benefit from, the development of our country. WE ACCORDINGLY CALL FOR—... (12) recognition of the principles that a complete relationship in marriage rests on equality of rights and duties of the partners, and that responsible parenthood is based on that equality. (Preamble, National Goals and Directive Principles)

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**Status of Religious/Customary Law**

(1) Freedom based on law consists in the least amount of restriction on the activities of individuals that is consistent with the maintenance and development of Papua New Guinea and of society in accordance with this Constitution and, in particular, with the National Goals and Directive Principles and the Basic Social Obligations.

(2) Every person has the right to freedom based on law, and accordingly has a legal right to do anything that—
   (a) does not injure or interfere with the rights and freedoms of others; and
   (b) is not prohibited by law, and no person—
   (c) is obliged to do anything that is not required by law; and
   (d) may be prevented from doing anything that complies with the provisions of paragraphs (a) and (b).

(3) This section is not intended to reflect on the extra-legal existence, nature or effect of social, civic, family or religious obligations, or other obligations of an extra-legal nature, or to prevent such obligations being given effect to by law. (Art. 32)

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**Status of International Law**

(1) The question, whether a law or act is reasonably justifiable in a democratic society having a proper regard for the rights and dignity of mankind, is to be determined in the light of the circumstances obtaining at the time when the decision on the question is made.
(3) For the purposes of determining whether or not any law, matter or thing is reasonably justified in a democratic society that has a proper regard for the rights and dignity of mankind, a court may have regard to—
(a) the provisions of this Constitution generally, and especially the National Goals and Directive Principles and the Basic Social Obligations; and
(b) the Charter of the United Nations; and
(c) the Universal Declaration of Human Rights and any other declaration, recommendation or decision of the General Assembly of the United Nations concerning human rights and fundamental freedoms; and
(d) the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Protocols thereto, and any other international conventions, agreements or declarations concerning human rights and fundamental freedoms; and
(e) judgements, reports and opinions of the International Court of Justice, the European Commission of Human Rights, the European Court of Human Rights and other international courts and tribunals dealing with human rights and fundamental freedoms; and
(f) previous laws, practices and judicial decisions and opinions in the country; and
(g) laws, practices and judicial decisions and opinions in other countries; and
(h) the Final Report of the pre-Independence Constitutional Planning Committee dated 13 August 1974 and presented to the pre-Independence House of Assembly on 16 August 1974, as affected by decisions of that House on the report and by decisions of the Constituent Assembly on the draft of this Constitution; and
(i) declarations by the International Commission of Jurists and other similar organizations; and
(j) any other material that the court considers relevant. (Art. 39)

General Human Rights Guarantees
Nothing in this Division derogates the rights and freedoms of the individual under any other law and, in particular, an Organic Law or an Act of the Parliament may provide further guarantees of rights and freedoms and may further restrict the limitations that may be placed on, or on the exercise of, any right to freedom (including the limitations that may be imposed under Section 38 (general qualifications on qualified rights). (Art. 33)

Human Rights Duties
Subject to this Constitution, each provision of this Division135 applies, as far as may be—
(a) as between individuals as well as between governmental bodies and individuals; and
(b) to and in relation to corporations and associations (other than governmental bodies) in the same way as it applies to and in relation to individuals, except where, or to the extent that, the contrary intention appears in this Constitution. (Art. 34)

135 Division 3: Basic Rights.

**Non-Discrimination**

(1) All persons are equal before the law and entitled to equal protection under the law. (2) Except as expressly authorised under the provisions of this Constitution, no law and no executive or administrative action of the State shall, either expressly or in its practical application, subject any person or persons to any disability or restriction or confer on any person or persons any privilege or advantage on grounds only of descent, sex, language, religion, political or other opinion, social origin, place of birth, family status, or any of them.

(3) Nothing in this Article shall - (a) Prevent the prescription of qualifications for the service of Samoa or the service of a body corporate directly established under the law; or (b) Prevent the making of any provision for the protection or advancement of women or children or of any socially or educationally retarded class of persons. (4) Nothing in this Article shall affect the operation of any existing law or the maintenance by the State of any executive or administrative practice being observed on Independence Day: Provided that the State shall direct its policy towards the progressive removal of any disability or restriction which has been imposed on any of the grounds referred to in clause (2) and of any privilege or advantage which has been conferred on any of those grounds. (Art. 15)

**Equal Before the Law**

(1) All persons are equal before the law and entitled to equal protection under the law. (2) Except as expressly authorised under the provisions of this Constitution, no law and no executive or administrative action of the State shall, either expressly or in its practical application, subject any person or persons to any disability or restriction or confer on any person or persons any privilege or advantage on grounds only of descent, sex, language, religion, political or other opinion, social origin, place of birth, family status, or any of them.

(3) Nothing in this Article shall - (a) Prevent the prescription of qualifications for the service of Samoa or the service of a body corporate directly established under the law; or (b) Prevent the making of any provision for the protection or advancement of women or children or of any socially or educationally retarded class of persons. (4) Nothing in this Article shall affect the operation of any existing law or the maintenance by the State of any executive or administrative practice being observed on Independence Day: Provided that the State shall direct its policy towards the progressive removal of any disability or restriction which has been imposed on any of the grounds referred to in clause (2) and of any privilege or advantage which has been conferred on any of those grounds. (Art. 15)

**Status of Religious/Customary Law**

WHEREAS sovereignty over the Universe belongs to the Omni-present God alone, and the authority to be exercised by the people of Samoa within the limits prescribed by His commandments is a sacred heritage; WHEREAS the Leaders of Samoa have declared that Samoa should be an Independent State based on Christian principles and Samoan custom and tradition;… (Preamble)

**General Human Rights Guarantees**

…WHEREIN should be secured to all the people their fundamental rights;… (Preamble)
The Constitution of Solomon Islands 1978, as amended to 2009

<table>
<thead>
<tr>
<th>English</th>
<th>Equality</th>
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<tbody>
<tr>
<td>...AGREE AND PLEDGE that - ... (b) we shall uphold the principles of equality, social justice and the equitable distribution of incomes;... (Preamble)</td>
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</tbody>
</table>

Whereas every person in Solomon Islands is entitled to the fundamental rights and freedoms of the individual, that is to say, the right, whatever his race, place of origin, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, to each and all of the following, namely:-
(a) life, liberty, security of the person and the protection of the law;
(b) freedom of conscience of expression and of assembly and association; and
(c) protection for the privacy of his home and other property and from deprivation of property without compensation,
the provisions of this Chapter shall have effect for the purpose of affording protection of those rights and freedoms subject to such limitations of that protection as are contained in those provisions, being limitations designed to ensure that the enjoyment of the said rights and freedoms by an individual does not prejudice the rights and freedoms of others or the public interest (Art. 3)

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<tr>
<th>Non-Discrimination</th>
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<tbody>
<tr>
<td>(1) Subject to the provisions of subsections (5), (6) and (9) of this section, no law shall make any provision that is discriminatory either of itself or in its effect.</td>
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<tr>
<td>(2) Subject to the provisions of subsections (7), (8) and (9) of this section, no person shall be treated in a discriminatory manner by any person acting by virtue of any written law or performance of the function of any public office or any public authority.</td>
</tr>
<tr>
<td>(3) Subject to the provision of subsection (9) of this section, no person shall be treated in a discriminatory manner in respect of access to shops, hotels, lodging-houses, public restaurants, eating-houses or places of public entertainment or in respect of access to places of public resort maintained wholly or partly out of public funds or dedicated to the use of the general public.</td>
</tr>
<tr>
<td>(4) In this section, the expression “discriminatory” means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, place of origin, political opinions, colour, creed or sex whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description.</td>
</tr>
</tbody>
</table>
| (5) Subsection (1) of this section shall not apply to any law so far as that law makes provision-
(a) for the imposition of taxation or the appropriation of revenue by the Government or the government of Honiara city, or any provincial government, or the Honiara city council or any provincial or any provincial assembly for local purposes;
(b) with respect to persons who are not citizens of Solomon Islands;
(c) for the application, in the case of persons of any such description as is mentioned in the preceding subsection (or of persons connected with such persons), of the law with respect to adoption, marriage, divorce, burial, devolution of property on death or other like matters that is the personal law applicable to persons of that description;
(d) for the application of customary law;\(^{138}\)
(e) with respect to land, the tenure of land, the resumption and acquisition of land and other like purposes;
(f) for the advancement of the more disadvantaged members of the community; or
(g) where persons of any such description as is mentioned in the preceding subsection may be subjected to any disability or restriction or may be accorded any privilege or advantage which, having regard to its nature and to special circumstances pertaining to those persons or to persons of any other such description, is reasonably justifiable in a democratic society.
(6) Nothing contained in any law shall be held to be inconsistent with or in contravention of subsection (1) of this section to the extent that it makes provision with respect to standards or qualifications (not being standards or qualification specifically relating to race, place of origin, political opinions, colour, creed or sex) to be required

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\(^{138}\) According to Art. 144(1): “‘customary law’ means the rules of customary law prevailing in an area of Solomon Islands;”
of any person who is appointed to any office in the public service, any office in a disciplined force, any office in the service of the government of Honiara city or any provincial government or any office in a body corporate established directly by any law for public purposes, or who wishes to engage in any trade or business.

(7) Subsection (2) of this section shall not apply to anything which is expressly or by necessary implication authorised to be done by any such provision of law as is referred to in subsection (5) or (6) of this section.

(8) Subsection (2) of this section shall not affect any discretion relating to the institution, conduct or discontinuance of civil or criminal proceedings in any court that is vested in any person by or under this Constitution or any other law.

(9) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision whereby persons of any such description as is mentioned in subsection (4) of this section may be subjected to any restriction on the rights and freedoms guaranteed by section 9, 11, 12, 13 and 14 of this Constitution, being such a restriction as is authorised by section 9(2), 11(6), 12(2), 13(2) or 14(3), as the case may be. (Art. 15)

Citizenship & Nationality

(1) Subject to the provisions of subsections (5), (6) and (9) of this section, no law shall make any provision that is discriminatory either of itself or in its effect.

(4) In this section, the expression “discriminatory” means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, place of origin, political opinions, colour, creed or sex whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description.

(5) Subsection (1) of this section shall not apply to any law so far as that law makes provision—

(b) with respect to persons who are not citizens of Solomon Islands;… (Art. 15)

(1) (a) Every person who is immediately before Independence Day an indigenous Solomon Islander shall become a citizen of Solomon Islands on Independence Day.

(b) Every person who was born in Solomon Islands before Independence Day and who has or had two grandparents who are or were members of a group, tribe or line indigenous to Papua New Guinea or the New Hebrides shall become a citizen of Solomon Islands on Independence Day.

(2) Every person who before Independence Day has made, or been included in, an application to the Government for citizenship of Solomon Islands containing the information specified in subsection (4) of this section and who at the time of making such application possessed any of the qualifications specified in subsection (3) of this section shall become a citizen of Solomon Islands on Independence Day.

(3) The qualifications referred to in subsection (2) of this section and subsection (1) of the next following section are that the person concerned, not being an indigenous Solomon Islander, is—

(a) a woman married to an indigenous Solomon Islander; or

(b) a citizen of the United Kingdom and Colonies or a British protected person who was born in Solomon Islands; or

(c) a citizen of the United Kingdom and Colonies or a British protected person having acquired such status under the British Nationality Acts 1948 to 1965(a) by virtue of his having been naturalised or registered under those Acts, or naturalised as a British subject before 1949, by the Governor of the former protectorate of the Solomon Islands; or

(d) a citizen of the United Kingdom and Colonies or a British protected person whose father possesses, or at his death possessed, one of the qualifications specified in paragraph (b) or (c) or (d) of this subsection; or

(e) a woman who has been married to a person who possesses, or at his death possesses, one of the qualifications specified in paragraph (b), (c) or (d) of this section; or

(f) a citizen of the United Kingdom and Colonies or a British protected person who was deemed to belong to Solomon Islands because such person—

(i) has lawfully resided in Solomon Islands for any period of seven years during which he has not been absent therefrom for a period or periods amounting in all to more than eighteen months and since the completion of such period of residence has not been ordinarily resident continuously for a period of two years or more in any other territory within the Commonwealth in circumstances in which he has acquired or retained a right of residence in that territory; or

(ii) is the wife of a person to whom the foregoing subparagraph applies not living apart from such person under a decree of a court or a deed of separation; or

(iii) is the Child, step-child or child adopted in a manner recognised by law under the age of eighteen years of a person to whom either of the foregoing subparagraphs applies.

(4) The information required to be contained in an application for the purposes of this section and the next following section is as follows—

(b) a statement by the applicant whether or not he is including in his application his wife and minor children, if any, and in the case of an application including a wife, a statement by her that she consents to her inclusion in the application;
(c) if the applicant is applying on grounds that his father was born, naturalised or registration in Solomon Islands, also the father's name, place and date of birth (so far as is known) and, if relevant, the date of the father's naturalisation or registration;

(d) if the application is made by or on behalf of a woman on grounds of marriage to a man who, or whose father, was born, naturalised or registered in Solomon Islands, also the name, place and date of birth (so far as is known) and, if relevant, the date of naturalisation or registration of the man and, if necessary, his father;... (Art. 20)

Right to property/inheritance

(1) Subject to the provisions of subsections (5), (6) and (9) of this section, no law shall make any provision that is discriminatory either of itself or in its effect.

(4) In this section, the expression “discriminatory” means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, place of origin, political opinions, colour, creed or sex whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description.

(5) Subsection (1) of this section shall not apply to any law so far as that law makes provision—

(c) for the application, in the case of persons of any such description as is mentioned in the preceding subsection (or of persons connected with such persons), of the law with respect to adoption, marriage, divorce, burial, devolution of property on death or other like matters that is the personal law applicable to persons of that description;

(5) Subsection (1) of this section shall not apply to any law so far as that law makes provision—

(c) for the application, in the case of persons of any such description as is mentioned in the preceding subsection (or of persons connected with such persons), of the law with respect to adoption, marriage, divorce, burial, devolution of property on death or other like matters that is the personal law applicable to persons of that description;... (Art. 15)

Employment

(1) Subject to the provisions of subsections (5), (6) and (9) of this section, no law shall make any provision that is discriminatory either of itself or in its effect.

(4) In this section, the expression “discriminatory” means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, place of origin, political opinions, colour, creed or sex whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description.

(6) Nothing contained in any law shall be held to be inconsistent with or in contravention of subsection (1) of this section to the extent that it makes provision with respect to standards or qualifications (not being standards or qualification specifically relating to race, place of origin, political opinions, colour, creed or sex) to be required of any person who is appointed to any office in the public service, any office in a disciplined force, any office in the service of the government of Honiara city or any provincial government or any office in a body corporate established directly by any law for public purposes, or who wishes to engage in any trade or business... (Art. 15)

Marriage & Family Life

(1) Subject to the provisions of subsections (5), (6) and (9) of this section, no law shall make any provision that is discriminatory either of itself or in its effect.

(4) In this section, the expression “discriminatory” means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, place of origin, political opinions, colour, creed or sex whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description.

(5) Subsection (1) of this section shall not apply to any law so far as that law makes provision—

(c) for the application, in the case of persons of any such description as is mentioned in the preceding subsection (or of persons connected with such persons), of the law with respect to adoption, marriage, divorce, burial, devolution of property on death or other like matters that is the personal law applicable to persons of that description;... (Art. 15)

Status of Religious/Customary Law

(1) Subject to the provisions of subsections (5), (6) and (9) of this section, no law shall make any provision that is discriminatory either of itself or in its effect.

(4) In this section, the expression “discriminatory” means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, place of origin, political opinions, colour, creed or sex whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description.

(5) Subsection (1) of this section shall not apply to any law so far as that law makes provision—

(c) for the application, in the case of persons of any such description as is mentioned in the preceding subsection (or of persons connected with such persons), of the law with respect to adoption, marriage, divorce, burial, devolution of property on death or other like matters that is the personal law applicable to persons of that description;... (Art. 15)

(1) Parliament shall make provision for the application of laws, including customary laws.

(2) In making provision under this section, Parliament shall have particular regard to the customs, values and aspirations of the people of Solomon Islands. (Art. 75)
2.- (1) Subject to this paragraph, the principles and rules of the common law and equity shall have effect as part of the law of Solomon Islands, save in so far as:
   (c) in their application to any particular matter, they are inconsistent with customary law applying in respect of that matter.

3.- (1) Subject to this paragraph, customary law shall have effect as part of the law of Solomon Islands.
   (2) The preceding subparagraph shall not apply in respect of any customary law that is, and to the extent that it is, inconsistent with this Constitution or an Act of Parliament.
   (3) An Act of Parliament may:-
       (a) provide for the proof and pleading of customary law for any purpose;
       (b) regulate the manner in which or the purposes for which customary law may be recognised; and
       (c) provide for the resolution of conflicts of customary law. (Schedule 3)
## Act of Constitution of Tonga 1875, as amended to 2010

<table>
<thead>
<tr>
<th>English</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Right to property/inheritance</strong></td>
</tr>
<tr>
<td>The following is the law of succession to hereditary estates and titles: Children lawfully born in wedlock only may inherit and the eldest male child shall succeed and the heirs of his body but if he have no descendants then the second male child and the heirs of his body and so on until all the male line is ended. Should there be no male child the eldest female child shall succeed and the heirs of her body and if she should have no descendants the second female child and the heirs of her body and so on until the female line is ended. And failing direct heirs the property shall revert to the eldest brother of the owner of the property beginning with the eldest and his heirs in succession to the youngest and their heirs in accordance with the law of inheritance. And if the brothers have no descendants it shall descend to the eldest sister and the female line as provided in the case of the male line. And if these should have no descendants and there should be no legitimate heir it shall revert to the Crown in accordance with the one hundred and twelfth clause. But should a female be next in succession to the title of a noble or of an hereditary chief the next male heir shall inherit the title and estates. But should such female afterwards have a legitimate male issue the title and estates shall revert to the male issue of the female upon the death of the male in possession of the estate: Provided that the female that is the heir shall occupy the town allotment and the plantation lands appertaining to such title but the hereditary estates that is the lands occupied by the people shall be held by the inheritor of the title. Whereas by Tongan custom provision has always been made that an adopted child might succeed to the estates and titles of his adoptive father now therefore it is decreed that upon the death of the holder of an estate or title who has inherited such estate or title by virtue of his blood descent from such adopted child the estate and title shall revert to the descendant by blood of the original holder of the estate and title in accordance with the provisions of this clause and should there be alive no such descendant by blood the provisions of the one hundred and twelfth clause shall apply. (Added by Act 15 of 1953; Amended by Act 3 of 1976.) And whereas by Tongan custom the noble Niukapu forms part of the 'Ulutolu line, now therefore it is decreed that in the event the holder of the estate and title of Niukapu is not a descendant by blood of the original Niukapu before 1875, such estate and title shall revert at the death of such holder to a descendant by blood of the Niukapu line.¹⁴⁰ (Art. 111)</td>
</tr>
<tr>
<td>Tongan male subjects by birth of or over the age of 16 years may be granted town allotments and tax allotments out of estates granted in pursuance of this Constitution with the consent of or upon consultation with the estate holder and out of the lands of the Crown, by the Minister of Lands. Such allotments shall be hereditary and shall be of such size and at an annual rent as may be determined by law. A widow shall have the right to succeed according to law, to her deceased husband's tax and town allotments. (Art. 113)¹⁴¹</td>
</tr>
</tbody>
</table>


## Constitution of Tuvalu 1986 as amended to 2010

### Equality

| (1) Every person in Tuvalu is entitled, whatever his race, place of origin, political opinions, colour, religious beliefs or lack of religious beliefs, or sex, to the following fundamental rights and freedoms: - |
| (a) the right not to be deprived of life (see section 16); and |
| (b) personal liberty (see sections 17 and 18); and |
| (c) security for his person (see sections 18 and 19); and |
| (d) the protection of the law (see section 22); and |
| (e) freedom of belief (see section 23); and |
| (f) freedom of expression (see section 24); and |
| (g) freedom of assembly and association (see section 25); and |
| (h) protection for the privacy of his home and other property (see section 21); and |
| (i) protection from unjust deprivation of property (see section 20), and to other rights and freedoms set out in this Part or otherwise by law. |

### Non-Discrimination

| (1) In this section, discrimination refers to the treatment of different people in different ways wholly or mainly because of their different |
| (a) races; or |
| (b) places of origin; or |
| (c) political opinions; or |
| (d) colours; or |
| (e) religious beliefs or lack of religious beliefs, in such a way that one such person is for some such reason given more favourable treatment or less favourable treatment than another such person. |

### Footnote

[142](#) Available at: [http://tuvalu-legislation.tv/cms/images/LEGISLATION/PRINCIPAL/1986/1986-0001/ConstitutionofTuvalu_1.pdf](http://tuvalu-legislation.tv/cms/images/LEGISLATION/PRINCIPAL/1986/1986-0001/ConstitutionofTuvalu_1.pdf) and [Constitution (Recognition of Traditional Standards, Values and Practices) Amendment Act 2010 (Act No. 6 of 2010) (available at: [http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/89618/102998/F289290147/TUV89618.pdf](http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/89618/102998/F289290147/TUV89618.pdf)](http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/89618/102998/F289290147/TUV89618.pdf) (last visited May 10, 2012). According to Section 4 of Act No. 6 of 2010: “The purpose of this Act is: (a) to protect the island communities of Tuvalu from the spread of religious beliefs which threaten the cohesiveness of island communities. (b) to provide the powers necessary to make laws to restrict the exercise of certain constitutional freedoms, where the exercise of those freedoms is inconsistent with a law, or an act done under law, which accords with the traditional standards, values and practices of the island communities of Tuvalu. (c) to provide legal recognition for the traditional practices of island communities to limit the establishment of religions on their islands.”
(i) adoption; or
(ii) marriage; or
(iii) divorce; or
(iv) burial; or
(v) any other such matter,
in accordance with the personal law, beliefs or customs of any person
or group; or
(e) in relation to land; or
(f) by which any person or group may be given favourable treatment or unfavourable treatment which, having regard to the nature of the
treatment and to any special circumstances of the person or group, is reasonably justifiable in a democratic society having a proper respect for human rights and dignity.

(4) Nothing in a law shall be considered to be inconsistent with subsection (2) to the extent that it makes provision for -
(a) standards or qualifications (not specifically related to any matter referred to in subsection (1)(a)-(e)) for appointment to any office or
position in -
(i) a State Service; or
(ii) a disciplined force; or
(iii) the service of a local government or authority; or
(iv) a body corporate established by law for a public purpose, or the service of such a body; or
(b) localization within the meaning of section 142 (localization).

(5) Subsection (2) does not affect the exercise of any discretion relating to the institution, conduct or discontinuance in a court of any proceedings that is
vested in any person or authority by or under this Constitution or any other law.

(6) Nothing in or done under a law shall be considered to be inconsistent with subsection (2) to the extent that the law provides that any person may be
subjected to any restriction on the rights and freedoms guaranteed by
(a) section 21 (privacy of home and property); and
(b) section 23 (freedom of belief); and
(c) section 24 (freedom of expression); and
(d) section 25 (freedom of assembly and association); and
(e) section 26 (freedom of movement); and
(f) section 28 (other rights and freedoms),
to the extent authorized by that section.

(7) Subject to section 12(2) (which relates to harsh, oppressive or otherwise unlawful acts) and 15 (definition of “reasonably justifiable in a democratic society”) and to any
other law, no act that -
(a) is in accordance with Tuvaluan custom; and
(b) is reasonable in the circumstances, shall be considered to be inconsistent with subsection (2).

(8) Nothing in or done under a law shall be considered to be inconsistent with subsection (2)-
(a) if the law was in force in Tuvalu immediately before the date on which this Constitution took effect; or
(b) to the extent that the law repeals and re-enacts any provision that has been contained in a law in force in Tuvalu at all times since that date. (Sec. 27)

In this Constitution – (a) the masculine gender includes the female gender; and (b) the feminine gender includes the masculine gender,… (Schedule 1, Section 4(5))

Political Participation & Freedom of Association

(1) Every person in Tuvalu is entitled, whatever his race, place of origin, political opinions, colour, religious beliefs or lack of religious beliefs, or sex, to the following
fundamental rights and freedoms: ... (g) freedom of assembly and association (see section 25); ... (2) The rights and freedoms referred to in subsection (1) can, in
Tuvaluan society, be exercised only - (a) with respect for the rights and freedoms of others and for the national interest; and (b) in acceptance of Tuvaluan values and
culture, and with respect for them. (3) The purpose of this Part is to protect those rights and freedoms, subject to limitations on them that are designed primarily to give
effect to subsection (2). (Sec. 11)
Citizenship & Nationality

(1) In this section, discrimination refers to the treatment of different people in different ways wholly or mainly because of their different
(a) races; or
(b) places of origin; or
(c) political opinions; or
(d) colours; or
(e) religious beliefs or lack of religious beliefs, in such a way that one such person is for some such reason given more favourable treatment or less favourable treatment than another such person.

(2) Subject to the provisions of this Part, and in particular to
(a) the succeeding provisions of this section; and
(b) section 29 (Protection of Tuvaluan values, etc.); and
(c) section 31 (disciplined forces of Tuvalu); and
(d) section 32 (foreign disciplined forces); and
(e) section 33 (hostile disciplined forces); and
(f) section 36 (restrictions on certain rights and freedoms during public emergencies), no-one shall be treated in a discriminatory manner.

(3) Subsection (2) does not apply to a law so far as it makes provision…
(c) with respect to persons who are not citizens of Tuvalu; or… (Sec. 27)

(1) Subject to subsections (3) and (4), a person born in Tuvalu on or after the date on which this Constitution took effect is a citizen of Tuvalu by birth.
(2) A person born outside Tuvalu on or after the date on which this Constitution took effect is a citizen of Tuvalu by birth if on the date of his birth either of his parents is, or would but for his death have been, a citizen of Tuvalu.
(3) Subject to subsection (5), a person does not become a citizen of Tuvalu by virtue of subsection (1) if at the time of his birth -
(a) neither of his parents was a citizen of Tuvalu; and
(b) his father had the privileges and immunities of an envoy to Tuvalu from a country with which Tuvalu had diplomatic relations.
(4) Subject to subsection (5), a person does not become a citizen of Tuvalu by virtue of subsection (1) if at the time of his birth—
(a) his father was a citizen of a country with which Tuvalu was at war; and
(b) the birth occurred in a place in Tuvalu occupied by that country.
(5) In the case of a person who was born out of wedlock, a reference in subsection (3) or (4) to his father shall be read as a reference to his mother. (Sec. 45)

Right to property/inheritance

(1) Every person in Tuvalu is entitled, whatever his race, place of origin, political opinions, colour, religious beliefs or lack of religious beliefs, or sex, to the following fundamental rights and freedoms:…
(i) protection from unjust deprivation of property (see section 20), and to other rights and freedoms set out in this Part or otherwise by law.
(2) The rights and freedoms referred to in subsection (1) can, in Tuvaluan society, be exercised only -
(a) with respect for the rights and freedoms of others and for the national interest; and
(b) in acceptance of Tuvaluan values and culture, and with respect for them.
(3) The purpose of this Part is to protect those rights and freedoms, subject to limitations on them that are designed primarily to give effect to subsection (2). (Sec. 11)
(b) section 29 (Protection of Tuvaluan values, etc.); and
(c) section 31 (disciplined forces of Tuvalu); and
(d) section 32 (foreign disciplined forces); and
(e) section 33 (hostile disciplined forces); and
(f) section 36 (restrictions on certain rights and freedoms during public emergencies), no-one shall be treated in a discriminatory manner.

(3) Subsection (2) does not apply to a law so far as it makes provision…
(e) in relation to land; or…..(Sec. 27)

Marriage & Family Life

(1) Freedom based on law consists of the least restriction on the activities of individuals consistent with the public welfare and the maintenance and development of Tuvalu and Tuvaluan society in accordance with this Constitution and, in particular, in accordance with the Principles set out in the Preamble. (2) Everyone has the right to freedom based on law, and accordingly, subject to this Constitution -
(a) everyone has the legal right to do anything that
(i) does not injure others or interfere with the rights and freedoms of others; and
(ii) is not prohibited by law; and
(b) no-one may be -
(i) legally obliged to do anything that is not required by law; or
(ii) prevented by law from doing anything that complies with the provisions of paragraph (a).
(3) This section is not intended to deny the existence, nature or effect of cultural, social, civic, family or religious obligations, or other obligations of a nonlegal nature, or to prevent such obligations being given effect by law if, and so far as, it may be thought appropriate to do so. (Sec. 10)

(1) In this section, discrimination refers to the treatment of different people in different ways wholly or mainly because of their different
(a) races; or
(b) places of origin; or
(c) political opinions; or
(d) colours; or
(e) religious beliefs or lack of religious beliefs, in such a way that one such person is for some such reason given more favourable treatment or less favourable treatment than another such person.
(2) Subject to the provisions of this Part, and in particular to
(a) the succeeding provisions of this section; and
(b) section 29 (Protection of Tuvaluan values, etc.); and
(c) section 31 (disciplined forces of Tuvalu); and
(d) section 32 (foreign disciplined forces); and
(e) section 33 (hostile disciplined forces); and
(f) section 36 (restrictions on certain rights and freedoms during public emergencies), no-one shall be treated in a discriminatory manner.
(3) Subsection (2) does not apply to a law so far as it makes provision ….
(d) in respect of-
(i) adoption: or
(ii) marriage; or
(iii) divorce; or
(iv) burial; or
(v) any other such matter, in accordance with the personal law, beliefs or customs of any person or group; or
….. (Sec. 27)

143 Sub-section (b) inserted by Section 5(3) of Act No. 6 of 2010 and resulting sub-sections re-numbered.
**Status of Religious/Customary Law**

…”AND WHEREAS the people of Tuvalu desire to constitute themselves as an independent State based on Christian principles, the Rule of Law, and Tuvaluan custom and tradition;… (Preamble)

3. While believing that Tuvalu must take its rightful place amongst the community of nations in search of peace and the general welfare, nevertheless the people of Tuvalu recognize and affirm, with gratitude to God, that the stability of Tuvaluan society and the happiness and welfare of the people of Tuvalu, both present and future, depend very largely on the maintenance of Tuvaluan values, culture and tradition, including the vitality and the sense of identity of island communities and attitudes of co-operation, self-help and unity within and amongst those communities.

4. Amongst the values that the people of Tuvalu seek to maintain are their traditional forms of communities, the strength and support of the family and family discipline.

5. In government, and in social affairs generally, the guiding principles of Tuvalu are - agreement, courtesy and the search for consensus, in accordance with traditional Tuvaluan procedures, rather than alien ideas of confrontation and divisiveness; the need for mutual respect and co-operation between the different kinds of authorities concerned, including the central Government, the traditional authorities, local governments and authorities, and the religious authorities.

6. The life and the laws of Tuvalu should therefore be based on respect for human dignity, and on the acceptance of Tuvaluan values and culture, and on respect for them… (Principles of the Constitution)

---

(1) Freedom based on law consists of the least restriction on the activities of individuals consistent with the public welfare and the maintenance and development of Tuvalu and Tuvaluan society in accordance with this Constitution and, in particular, in accordance with the Principles set out in the Preamble. (2) Everyone has the right to freedom based on law, and accordingly, subject to this Constitution -

(a) everyone has the legal right to do anything that
(b) does not injure others or interfere with the rights and freedoms of others; and
(c) is not prohibited by law; and
(d) no-one may be -
(e) legally obliged to do anything that is not required by law; or
(f) prevented by law from doing anything that complies with the provisions of paragraph (a).

3. This section is not intended to deny the existence, nature or effect of cultural, social, civic, family or religious obligations, or other obligations of a nonlegal nature, or to prevent such obligations being given effect by law if, and so far as, it may be thought appropriate to do so. (Sec. 10)

---

(1) Every person in Tuvalu is entitled, whatever his race, place of origin, political opinions, colour, religious beliefs or lack of religious beliefs, or sex, to the following fundamental rights and freedoms:

(a) the right not to be deprived of life (see section 16); and
(b) personal liberty (see sections 17 and 18); and
(c) security for his person (see sections 18 and 19); and
(d) the protection of the law (see section 22); and
(e) freedom of belief (see section 23); and
(f) freedom of expression (see section 24); and
(g) freedom of assembly and association (see section 25); and
(h) protection for the privacy of his home and other property (see section 21); and
(i) protection from unjust deprivation of property (see section 20), and to other rights and freedoms set out in this Part or otherwise by law. (2) The rights and freedoms referred to in subsection (1) can, in Tuvaluan society, be exercised only -

(a) with respect for the rights and freedoms of others and for the national interest; and
(b) in acceptance of Tuvaluan values and culture, and with respect for them.

(3) The purpose of this Part is to protect those rights and freedoms, subject to limitations on them that are designed primarily to give effect to subsection (2). (Sec. 11)

| (1) Each provision of this Part\(^{145}\) applies, as far as may be |
|--------------------|---------------------------------------------------------------|
| (a)                | between individuals as well as between governmental bodies and individuals; and |
| (b)                | to and in relation to corporations and associations (other than governmental bodies) in the same way as it applies to and in relation to individuals, except where, or to the extent that, the context requires otherwise. |

(2) Except in relation to any act that is done under a valid law which accords with traditional standards, values and practices\(^{146}\), any act that is done under a valid law but that in the particular case

(a) is harsh or oppressive; or
(b) is not reasonable in the circumstances; or
(c) is otherwise not reasonably justifiable in a democratic society having a proper respect for human rights and dignity, is an unlawful act.

(3) The burden of showing that subsection (2) applies in respect of an act is on the party claiming that it does apply.

(4) Nothing in this section affects the operation of any other law under which an act may be held to be unlawful. (Sec. 12)

<table>
<thead>
<tr>
<th>(1) Notwithstanding anything to the contrary in this Part, other than -</th>
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</thead>
<tbody>
<tr>
<td>(a) section 33 (hostile disciplined forces); and</td>
</tr>
<tr>
<td>(b) section 36 (restrictions on certain rights and freedoms during public emergencies), all laws, and all acts done under a law, must be reasonably justifiable in a democratic society that has a proper respect for human rights and dignity.</td>
</tr>
</tbody>
</table>

(2) Any question whether a law is reasonably justifiable in a democratic society that has a proper respect for human rights and dignity is to be determined in the light of the circumstances existing at the time when the decision on the question is made.

(3) Subsection (2) does not affect any question whether an act done under a law was reasonably justifiable in a democratic society that has a proper respect for human rights and dignity.

(4) A law may be declared not to be reasonably justifiable in a democratic society that has a proper respect for human rights and dignity only by the High Court or some other court prescribed for the purpose by or under an Act of Parliament.

(5) In determining whether a law or act is reasonably justifiable in a democratic society that has a proper respect for human rights and dignity, a court may have regard to -

(a) traditional standards, values and practices, as well as previous laws and judicial decisions, of Tuvalu; and
(b) law, practices and judicial decisions of other countries that the court reasonably regards as democratic; and
(c) international conventions, declarations, recommendations and judicial decisions concerning human rights; and
(d) any other matters that the court thinks relevant.

(6) Notwithstanding subsection (5), any law, or any act done under a valid law, which accords with traditional standards, values and practices shall not contravene subsection (1) above, unless the relevant traditional standard, value or practice would be regarded by an ordinary modern citizen of Tuvalu as one which should be eliminated.\(^{147}\) (Sec. 15)

| (1) In this section, discrimination refers to the treatment of different people in different ways wholly or mainly because of their different |
|-----------------------------|-------------------------------------------------------------------------------|
| (a) races; or               |                                                                                     |

\(^{145}\) Part II: Bill of Rights.

\(^{146}\) “Notwithstanding anything to the contrary in any other law” replaced with “Except in relation to any act that is done under a valid law which accords with traditional standards, values and practices” by Section 5(b) of Act No. 6 of 2010.

\(^{147}\) Sub-section 6 inserted by Section 5(c) of Act No. 6 of 2010.
(b) places of origin; or
(c) political opinions; or
(d) colours; or
(e) religious beliefs or lack of religious beliefs, in such a way that one such person is for some such reason given more favourable treatment or less favourable treatment than another such person.

(2) Subject to the provisions of this Part, and in particular to
(a) the succeeding provisions of this section; and
(b) section 29 (Protection of Tuvaluan values, etc.); and
(c) section 31 (disciplined forces of Tuvalu); and
(d) section 32 (foreign disciplined forces); and
(e) section 33 (hostile disciplined forces); and
(f) section 36 (restrictions on certain rights and freedoms during public emergencies), no-one shall be treated in a discriminatory manner.

(3) Subsection (2) does not apply to a law so far as it makes provision ….

(d) in respect of-
(i) adoption; or
(ii) marriage; or
(iii) divorce; or
(iv) burial; or
(v) any other such matter, in accordance with the personal law, beliefs or customs of any person or group; or

(1) The Preamble acknowledges that Tuvalu is an Independent State based on Christian principles, the Rule of Law, Tuvaluan values, culture and tradition, and respect for human dignity.

(2) This includes recognition of-
(a) the right to worship, or not to worship, in whatever way the conscience of the individual tells him; and
(b) the right to hold, to receive and to communicate opinions, ideas and information.

(3) Within Tuvalu, the freedoms of the individual can only be exercised having regard to the rights or feelings of other people, and to the effect on society.

(4) It may therefore be necessary in certain circumstances to regulate or place some restrictions on the exercise of those rights, if their exercise—
(a) may be divisive, unsettling or offensive to the people; or
(b) may directly threaten Tuvaluan values or culture.

(5) Subject to section 15 (definition of “reasonably justifiable in a democratic society”) nothing contained in a law or done under a law shall be considered to be inconsistent with section 23 (freedom of belief); or section 24 (freedom of expression); or section 25 (freedom of assembly and association); or section 26 (freedom of movement); or section 27 (freedom from discrimination) to the extent the law makes provision regulating or placing restrictions on any exercise of the right—
(a) to spread beliefs; or
(b) to communicate opinions, ideas and information; if the exercise of that right may otherwise conflict with subsection (4).

148 New section 29(5) inserted by Section 5(f) of Act No. 6 of 2010 to replace earlier version.

149 Part II: Bill of Rights.

(1) Norwithstanding anything to the contrary in this Part, other than-
(a) section 33 (hostile disciplined forces); and
(b) section 36 (restrictions on certain rights and freedoms during public emergencies), all laws, and all acts done under a law, must be reasonably justifiable in a democratic society that has a proper respect for human rights and dignity.

(2) Any question whether a law is reasonably justifiable in a democratic society that has a proper respect for human rights and dignity is to be determined in the light of the circumstances existing at the time when the decision on the question is made.
<table>
<thead>
<tr>
<th><strong>General Human Rights Guarantees</strong></th>
<th>The fact that certain rights and freedoms are referred to in this Constitution does not mean that there may not be other rights and freedoms retained by the people or conferred by law. (Sec. 28)</th>
</tr>
</thead>
</table>
| **Human Rights Duties**          | (1) Each provision of this Part\(^{150}\) applies, as far as may be  
(a) between individuals as well as between governmental bodies and individuals; and  
(b) to and in relation to corporations and associations (other than governmental bodies) in the same way as it applies to and in relation to individuals, except where, or to the extent that, the context requires otherwise.  
... (Sec. 12)                                                                 |

\(^{150}\) Division 2: The Principles of the Bill of Rights
### Constitution of the Republic of Vanuatu 1980, as amended to 1983

#### Equality

| English | (1) The Republic of Vanuatu recognises, that, subject to any restrictions imposed by law on non-citizens, all persons are entitled to the following fundamental rights and freedoms of the individual without discrimination on the grounds of race, place of origin, religious or traditional beliefs, political opinions, language or sex but subject to respect for the rights and freedoms of others and to the legitimate public interest in defence, safety, public order, welfare and health –
|            | (a) life;  
|            | (b) liberty;  
|            | (c) security of the person;  
|            | (d) protection of the law;  
|            | (e) freedom from inhuman treatment and forced labour;  
|            | (f) freedom of conscience and worship;  
|            | (g) freedom of expression;  
|            | (h) freedom of assembly and association;  
|            | (i) freedom of movement;  
|            | (j) protection for the privacy of the home and other property and from unjust deprivation of property;  
|            | (k) equal treatment under the law or administrative action, except that no law shall be inconsistent with this sub-paragraph insofar as it makes provision for the special benefit, welfare, protection or advancement of females, children and young persons, members of under-privileged groups or inhabitants of less developed areas. (Art. 5) |

#### Political Participation & Freedom of Association

| English | (1) The Republic of Vanuatu recognises, that, subject to any restrictions imposed by law on non-citizens, all persons are entitled to the following fundamental rights and freedoms of the individual without discrimination on the grounds of race, place of origin, religious or traditional beliefs, political opinions, language or sex but subject to respect for the rights and freedoms of others and to the legitimate public interest in defence, safety, public order, welfare and health –(h) freedom of assembly and association;… (Art. 5) |

#### Citizenship & Nationality

| English | (1) The Republic of Vanuatu recognises, that, subject to any restrictions imposed by law on non-citizens, all persons are entitled to the following fundamental rights and freedoms of the individual without discrimination on the grounds of race, place of origin, religious or traditional beliefs, political opinions, language or sex but subject to respect for the rights and freedoms of others and to the legitimate public interest in defence, safety, public order, welfare and health –… (Art. 5) |

- Every person who on the Day of Independence is a person of ni-Vanuatu ancestry and has the nationality or citizenship of a foreign state or the status of an optant shall become a citizen of Vanuatu if he makes an application, or an application is made on his behalf by his parent or lawful guardian, within 3 months of the Day of Independence or such longer period as Parliament may prescribe. The Vanuatu citizenship of such a person shall automatically lapse if he has not renounced his other citizenship or nationality within 3 months of the granting of Vanuatu citizenship or such longer period as Parliament may prescribe, except that in the case of a person under the age of 18 years the period of renunciation shall be 3 months after he has reached the age of 18 years. (Art. 10) |

- Anyone born after the Day of Independence, whether in Vanuatu or abroad, shall become a citizen of Vanuatu if at least one of his parents is a citizen of Vanuatu. (Art. 11) |

#### Equal Before the Law

| English | (1) The Republic of Vanuatu recognises, that, subject to any restrictions imposed by law on non-citizens, all persons are entitled to the following fundamental rights and freedoms of the individual without discrimination on the grounds of race, place of origin, religious or traditional beliefs, political opinions, language or sex but subject to respect for the rights and freedoms of others and to the legitimate public interest in defence, safety, public order, welfare and health –… (k) equal treatment under the law or administrative action, except that no law shall be inconsistent with this sub-paragraph insofar as it makes provision for the special benefit, welfare, protection or advancement of females, children and young persons, members of under-privileged groups or inhabitants of less developed areas. (Art. 5) |

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<table>
<thead>
<tr>
<th>Status of Religious/Customary Law</th>
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<tr>
<td>…HEREBY proclaim the establishment of the united and free Republic of Vanuatu founded on traditional Melanesian values, faith in God, and Christian principles,… (Preamble)</td>
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<tr>
<td>(1) The National Council of Chiefs has a general competence to discuss all matters relating to custom and tradition and may make recommendations for the preservation and promotion of ni-Vanuatu culture and languages.</td>
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<td>(2) The Council may be consulted on any question, particularly any question relating to tradition and custom, in connection with any bill before Parliament. (Art. 30)</td>
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<tr>
<td>Parliament may provide for the manner of the ascertainment of relevant rules of custom, and may in particular provide for persons knowledgeable in custom to sit with the judges of the Supreme Court or the Court of Appeal and take part in its proceedings. (Art. 51)</td>
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<td>The rules of custom shall form the basis of ownership and use of land in the Republic of Vanuatu. (Art. 74)</td>
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<th>Human Rights Duties</th>
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<td>Every person has the following fundamental duties to himself and his descendants and to others –…</td>
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<tr>
<td>(c) to exercise the rights guaranteed or conferred by the Constitution and to use the opportunities made available to him under it to participate fully in the government of the Republic of Vanuatu;…</td>
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<tr>
<td>(f) to respect the rights and freedoms of others and to cooperate fully with others in the interests of interdependence and solidarity;… (Art. 7)</td>
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152 According to Art. 8 “Fundamental duties non-justiciable but public authorities to encourage compliance Except as provided by law, the fundamental duties are non-justiciable. Nevertheless it is the duty of all public authorities to encourage compliance with them so far as lies within their respective powers.”